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Council Proceedings

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Forty-first Session, 1933

30th and 31st March, 1st, 3rd and 4th April, 1933.

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A

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Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
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B

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Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
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C

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D

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E

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F

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H

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K

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Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
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Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
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L

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Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Lockhart, Mr. A. R. L. [Presidency and Burdwan (European).]

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]

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McCluskie, Mr. E. T. (Anglo-Indian.)

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Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]

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N

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Pętre, Mr. B. F. (Indian Mining Association.)

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Q

Quasem, Maulvi Abul [Khulna (Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
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Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
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Roy, Mr. Sarat Kumar. (Presidency Landholders.)
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Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen, Mr. B. R. (Nominated Official.)

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* President of the Bengal Legislative Council.

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Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
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W

Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
Woodhead, the Hon'ble Mr. J. A., C.I.E. (Member, Executive Council.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Forty-First Session.)

Volume XLI—No. 3.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 30th March, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers and 102 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Lapse of landlords' fee.

***106. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) whether it is a fact that under the present Civil Accounts Rule (Article 206) the amount of landlords' fee deposited in the Collectorate not exceeding Rs. 5 lapses in one complete year and exceeding Rs. 5 in three years;

(*ii*) whether it is a fact that the Bengal Tenancy Amendment Act, 1929, and the rules framed thereunder provide for a lapse after 5 years?

(*b*) Is the Hon'ble Member aware that this is causing great hardship and loss to joint landlords?

(*c*) Are the Government considering the desirability of bringing the Accounts Rule into conformity with the Bengal Tenancy Amendment Act and rules thereunder?

(*d*) Is the Hon'ble Member aware that the Land-holders' Association, Mymensingh, brought to the notice of the Divisional Commissioner, Dacca, when he visited Mymensingh in February, 1933, the extreme hardship and loss caused to joint landlords owing to the difficulty of withdrawing small amounts of landlords' fees and the consequent lapse of amount up to Rs. 5 in one year, and requested the Commissioner to provide for the automatic crediting of such amounts to the land revenue and cess demands of such joint estates?

(*e*) Whether it is a fact that the Divisional Commissioner, Mr. W. H. Nelson, made a note on the 5th February, 1933, favouring the idea?

(*f*) If so, are the Government contemplating to frame necessary rules to give effect to the suggestions?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) Under Article 206 of the Civil Account Code, Volume I, unclaimed deposits not exceeding Re. 1 lapse after one year and any sum exceeding Re. 1 lapses after 3 years.

(*ii*) Under section 18C of the Bengal Tenancy Act unclaimed landlords' fees lapse after 5 years.

(*b*) No case of hardship has been reported to Government.

(*c*) The sanction of the Auditor-General has been obtained for the opening of personal ledger accounts for each Collector with effect from 1933-34 in order to prevent lapsing of landlords' fees under Article 206 Civil Account Code. Even under the existing rules landlords' fees, which have lapsed under the Civil Account Code but have not become due for forfeiture under the Bengal Tenancy Act, can be withdrawn.

(*d*) and (*e*) Yes.

(*f*) No. The Commissioner came to the conclusion after consideration that the suggestion is not feasible under the existing law.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether the note of Mr. Nelson was a confidential one?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not remember the details, but all notes are confidential.

Khan Bahadur Maulvi AZIZUL HAQUE: Then, how was it possible for the landlords to get hold of the copy?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the notes on any portion thereof be embodied into rules such rules are not confidential and it is quite easy to get these rules.

***Babu AMULYADHAN RAY:** Will the Hon'ble Member be pleased to state whether it is not a fact that the withdrawal of landlords' fees are much too expensive?

The Hon'ble Sir PROVASH CHUNDER MITTER: If any landlord reads the rules, he will find it is not expensive.

Babu AMULYADHAN RAY: Does the Hon'ble Member consider that the lapse of landlords' fee within one year causes great hardship?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the lapse is due to the fault of the rules, it certainly causes hardship, but if it is due to the fault of the landlords, there is no hardship. The period is not one year but five years.

Damages of amen paddy crops of the Rangpur district.

***107. Babu NAGENDRA NARAYAN RAY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the *aman* paddy crops of the Rangpur district, specially of the Nilphamari subdivision, have been seriously damaged owing to hailstorms and heavy showers of rain in the month of *Pous* last?

(*b*) If so, have the Government ascertained the extent of damage done to the said crops in the affected areas?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what sort of help, if any, the Government propose to render to the distressed people?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) The *aman* crop on a strip of land measuring about 8 miles by 2½ miles was partially damaged in thanas Dimla, Domar and Jaldhaka.

(*b*) It has been estimated that the damage nowhere exceeded 25 per cent. of the normal yield and that in most of the affected areas it was less than 25 per cent.

(*c*) For the present Rs. 3,500 is being distributed as agricultural loans to those who need assistance. Further loans will be given if necessary. At present no other relief measures are required.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the sum of Rs. 3,500 is not too small for the purpose?

The Hon'ble Sir PROVASH CHUNDER MITTER: On the reports, it is not too small.

Collection made under the Motor Vehicles Tax Act.

*106. **Babu SATISH CHANDRA RAY CHOWDHURY:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) what is the total amount so far collected under the operation of the Motor Vehicles Tax Act;

(*b*) whether any money has been allotted for expenditure or actually spent in the *mufassal* area? If so, what is the amount allotted to each district;

(*c*) whether, if the answer to (*b*) is in the negative, the Government propose to spend any part of the collection on road improvement in 1933-34?

If so,

(*i*) what is the amount,

(*ii*) how do the Government propose to distribute the amount, and

(*iii*) to which of the districts?

(*d*) whether the Government have received any applications from the district boards and municipalities for contribution from the Motor Vehicles Fund?

If so,

(*i*) from which of the boards and municipalities; and

(*ii*) how do the Government propose to deal with these applications?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) A statement is laid on the table.

(*b*) No.

(*c*) Yes.

(*i*) The net amount available has not yet been ascertained.

(*ii*) It was decided at the last meeting of the Road Board that of the net proceeds 60 per cent. should be distributed to districts and 15 per cent. to municipalities, while the remaining 25 per cent. should be reserved for expenditure on individual projects to be approved by Government after consulting the Road Board. Provisional allotments will be made to local bodies on the basis of their expenditure on roads as shown in the annual reports: these will be adjusted later in the light of figures specially called for but not yet received in full.

(*iii*) To all districts.

(*b*) (*i*) The municipalities of Chittagong, Hooghly-Chinsura and Howrah have submitted applications.

(*ii*) These bodies will be given the allotments found to be due to them according to the general principle to be followed.

Statement referred to in the reply to starred question No. 108 (a).

		Rs.	Rs.
Calcutta up to 20th March, 1933	..	....	9,86,000
Mufassal—Up to September, 1932	..	2,05,878	
October to February, 1933 ..	..	1,04,629	
			3,10,507
			12,96,507

Maulvi TAMIZUDDIN KHAN: With reference to the expenditure of 25 per cent. proposed to be made on individual projects to be approved by Government, will the Hon'ble Minister be pleased to state whether these projects will also include Government Public Works Department roads?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: There is no objection to their being included.

Maulvi TAMIZUDDIN KHAN: Is it not a fact that at the time of the discussion of the Bill in the House the Hon'ble Minister made a declaration that no proceeds of the tax would be spent on the Public Works Department roads?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I do not think that there was any such declaration.

Rai Bahadur SATYENDRA KUMAR DAS: With reference to (*b*), will the Hon'ble Minister be pleased to give an account for the delay in the allotment of the money?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The delay is due to lack of information. We asked for certain informations from local bodies. They have not yet arrived in full.

Maulvi SYED MAJID BAKSH: *Can the Hon'ble Minister indicate the probable time by which these allotments are to be made?*

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: As soon as possible.

MUNINDRA DEB RAI MAHASAI: With reference to (*c*) (*ii*), will the Hon'ble Minister be pleased to state whether the 15 per cent. allotted to the municipalities is not considered to be too low?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Certainly not. The allotment is based on the principle of expenditure incurred by the district boards and the municipalities. The proportion of expenditure on roads by the district boards and municipalities is 60 to 15.

Construction of escape and sluices at Harisingpore and Gopigunge.

*109. **Maulvi SYED MAJID BAKSH:** With reference to unstarred question No. 114, answered on the 1st April, 1932, will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether—

(*a*) any estimate was made as to the probable cost of constructing an escape at Harisingpore on the Selye and the sluice at Gopigunge?

(*b*) If so, what is the amount?

(*c*) Is it a fact that for want of these constructions the surrounding country is devastated periodically by flood, causing loss to property?

(*d*) If so, what are the remedial measures Government contemplate adopting each time a flood occurs, pending the final construction of these escapes and sluices?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) Yes.

(*b*) Rupees 2,89,000.

(*c*) Serious damage was caused by floods in 1922 and 1923 and some damage in 1928. The proposed works would not prevent flooding during high floods. The object of the works is to prevent the high

floods causing breaches in the embankments through which floods may continue after subsidence of the high floods, and to drain away the water which spills over the escape during high floods.

(*d*) On the occurrence of a flood every care is taken to prevent breaches and to repair damage to the embankments as soon as possible. No other measures are contemplated.

Maulvi SYED MAJID BAKSH: In view of the fact that there have been floods in 1922, 1923 and again in 1928, does the Hon'ble Member consider that the measures adopted by Government are inadequate for the purpose?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: The measures in the opinion of Government are quite adequate.

Maulvi SYED MAJID BAKSH: How does the Hon'ble Member then account for the recurrence of floods in those areas?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: They are natural phenomena.

UNSTARRED QUESTIONS

(answers to which were laid on the table).

Mela at Kamarpukhur in the 24-Parganas.

35. Mr. A. F. M. ABDUR-RAHMAN: (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that every year on the 29th *Magh* a big fair or *mela* takes place at Kamarpukhur within the jurisdiction of Hasnabad police-station in the district of the 24-Parganas?

(*b*) Are the Government aware that gambling and prostitution are carried on in this *mela* to the great annoyance of the public?

(*c*) Are the Government aware that every year the local people make regular petitions to the authorities for the stoppage of gambling and prostitution in the *mela*, but with no effect?

(*d*) Is it a fact that the local people approached the District Magistrate on the 10th and 11th February, 1933, with petitions praying for the stoppage of gambling and prostitution?

(*e*) Will the Government be pleased to state what action, if any, the authorities took on that petition and whether there had been any gambling and prostitution in that *mela* this year too?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Complaints to this effect are sometimes made. The gambling is in connection with so-called games of skill.

(*c*) When complaints are made, the police, if necessary, ask for action by the Magistrate: the action taken has always proved effective.

(*d*) Yes.

(*e*) The Subdivisional Officer passed an order on 11th February, 1933, prohibiting gambling and prostitution. Under his instructions the circle inspector of police visited the *mela* but found no prostitutes there.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Minister be pleased to state under what law the Subdivisional Officer is empowered to prohibit gambling and prostitution?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I want notice.

Agricultural produce of the Bankura district.

86. Babu SATYA KINKAR SAHANA: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that paddy is the principal agricultural produce of the Bankura district;

(*ii*) that this year the yield of paddy crop is about eight annas of the normal crop;

(*iii*) that the price of paddy is more than 50 per cent. less than what it was three years back;

(*iv*) that already distress is creeping in among the cultivators and labourers;

(*v*) that wages have gone down to about two annas per diem; and

(*vi*) that the labourers can seldom find any employment?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government have been proposing to meet the situation?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab K. G. M. Farequi, Khan Bahadur): (*a*) (*i*) Yes.

(*ii*) About 10 annas.

(*iii*) Yes, about 60 per cent. less than the average of the last three years' normal.

(*iv*) to (*vi*) Government have not received any such report. The rate of wages is reported to be annas 3 per diem.

(*b*) The question of the possibility of increasing cultivation by small irrigation works financed by loans is under examination. Steps have also been taken by the Agriculture Department for the introduction of Co. 213 sugarcane which can be grown on medium terraced lands hitherto growing only *aman* paddy as well as of heavier yielding strains of paddy and fodder and other new crops suitable for the soil of the district.

Maulvi ABUL KASEM: With reference to answer (*iv*) to (*vi*), will the Hon'ble Minister be pleased to state whether, when on their own assertion the produce is 10 annas less and the price is 60 per cent. less, any further information is required by Government that there is distress among cultivators?

Mr. L. R. FAWCUS: I fear I do not understand the question.

Mr. PRESIDENT: Why not simplify your question Maulvi Sahib? You may put it in the direct form.

Maulvi ABUL KASEM: The Government reply is that Government have not received any report that there is distress among cultivators. But the information given to us is that the outturn of the crops is 10 annas less and the price is 60 per cent. low. I should like to know what more information Government want in order to be convinced of the distress of cultivators.

Mr. PRESIDENT: That is no question.

Babu AMULYADHAN RAY: Will the Hon'ble Minister be pleased to state whether it is not desirable to form a Paddy Committee like that of the Jute Committee? (Laughter.)

(No answer was given.)

Re: Amendment of Standing Orders.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, yesterday Mr. N. K. Basu moved a motion for the consideration of some change in the Standing Orders, proposing to give you some new powers to deal with resolutions. Unfortunately, the House was very thin at that time and some of us had to remain away from the House. Therefore a sufficient number of members could not rise in their seats in support and so the matter dropped. May I respectfully urge whether it would not be possible, in view of the great importance of the matter, to reconsider the motion? Cannot leave be given again to examine this matter?

Mr. PRESIDENT: Khan Bahadur, I am afraid that it would not be possible to take up that matter during the present session. But if the members keenly feel that it is really a matter of great importance, I do not see any reason why it cannot be considered again during the next session of the Council.

LEGISLATIVE BUSINESS

NON-OFFICIAL MEMBER'S BILL.

The Bengal Suppression of Immoral Traffic Bill, 1932.

Babu JATINDRA NATH BASU: I beg to move that the Bill, as reported by the Select Committee, be taken into consideration. In doing so, Sir, I will draw the attention of the House to some of the principal features of the Bill, and the amendments made by the Select Committee. There is one particular feature to which I desire to call attention. The Bill, as originally drafted, was intended to apply both to male persons and to females. All reference to male persons has been taken out by the Select Committee. The House will also notice that there has been an alteration in the definition of a brothel. The definition, as it stood in the original draft, agreed with the definition of the same word in the various Acts prevailing in some of the other provinces of India. But the Select Committee carefully considered the matter; their point of view was that the Bill was intended to suppress immoral traffic, and the word "brothel" should be so defined as to direct the operation of the law towards the suppression of immoral traffic caried on through brothels. With that view the Select Committee made certain amendments in the definition, and the report as it stands before you, contains the definition of brothel as amended by the Select Committee. I personally should like the definition to be

widened, and not to be restricted in the way that the Select Committee has done. It will be for the House to decide as to what should be the final definition of the word "brothel."

Then, one or two definitions have been taken out because some of the sections have been deleted. There was one clause, clause 5, in which the expression "the business of a prostitute" was used. It was not found necessary to have these words included for the purpose of carrying out the intention of the other sections. That was why the definition of the "business of a prostitute" was taken out, and the definition of "client" has also been taken out, because it was found that the word occurred in only a very few places in the Bill, and there was no need for a definition nor for the insertion of the word in places where it occurred. The definition of "public places" has been slightly widened, and the wording of the Bombay Act has to some extent been followed in that respect. The principal point to which I desire to call attention is clause 4. Clause 4 seeks to attack those who establish brothels. The question that was considered by the Select Committee was as to whether the provisions of that section should be put in motion by the police, or by local bodies, or by persons living in the locality of the brothel complained of. The report of the Select Committee shows that the committee considered that the initiative in the matter should be left to local bodies like municipalities and district boards, and also to local persons, and there has also been an improvement over the origiual draft inasmuch as power has now been given to local associations who interest themselves in this question, if approved of by Government under the rules to be framed under this Bill, to take action for having particular premises declared as brothels. The other important clause is clause 7 which follows a similar provision in the Calcutta Suppression of Immoral Traffic Act of 1923 and also the provisions in the existing Eastern Bengal Act on the subject. The Select Committee deleted clause 5 but took some provisions of it and introduced those provisions in the other clauses that have been retained. Then the Select Committee deleted clause 12. Clause 12 relates to punishing persons who detain any female under the age of 18 years against her will in any house or place with intent that she should be used for purposes of prostitution. There was a proviso and an addendum to clause 12, which lay down that if certain events happened, the court would presume that the girl or woman had been so obtained. The presumption was in this way, namely, that if the girl or woman was threatened with recovery of any loan said to have been advanced by the keeper of the brothel, or if the small belongings of the girl or woman were withheld to prevent her from leaving the House, those facts would raise a presumption that the girl or woman was being forcibly detained. When that clause comes on, there being an amendment on it, there will be further discussion on it. There was in the

original Bill a reference to certain provisions of the Children's Act for dealing with girls rescued from brothels. But the Bill, as amended by the Select Committee, incorporates such of the provisions of the Children's Act as are required for dealing with those cases, and the procedure is now laid down in the Bill itself.

With these words, Sir, I place the Bill before the House.

Mr. PRESIDENT: Notices of two amendments have been received with regard to the motion now before the House. Mr. Shanti Shekhareswar Ray, will you please move your amendment?

Mr. SHANTI SHEKHARESWAR RAY: I beg to move, by way of amendment, that the Bill be recommitted and that the following members be added, namely:—

Dr. Naresh Chandra Sen Gupta,

Maulvi Abul Kasem,

Mr. P. Banerji, and

Mr. Shanti Shekhareswar Ray.

Sir, I must frankly admit that my motion is a dilatory motion. But, Sir, I may assure the Member in charge of the Bill, Mr. J. N. Basu, and his friends outside the Council that I do not move this motion in a spirit of destruction, but with a view that this important matter may receive full consideration. The position at present is that the report of the Select Committee was placed in the hands of the members of this House only the other day when we were very busy studying the budget papers, and the last date for submitting amendments to this Bill coincided more or less with the date fixed for submitting cut motions in connection with the budget. Sir, I believe many members of the House have not as yet even studied the Bill thoroughly. The natural result is that amendments to the Bill had to be sent in in a hurry without proper consideration, and rather light-heartedly.

Mr. P. N. GUHA: Yet, you have sent in 30 of them.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I can hardly realise that the Government would allow this Bill to be taken into consideration at this late part of the session. For the last several days, Members of the Government, as well as other members, have been very busy with the budget, and I may frankly confess that even to-day I am not very well prepared to put the case in support of the amendments before the House because there is another matter of great importance, I mean the White Paper, that has been fixed for discussion immediately after the consideration of this Bill. My position is that sandwiched between

the budget session and the consideration of an important matter like the White Paper, you can well understand what sort of consideration this Bill is going to receive at our hands. It is a very important matter and perhaps deserves better treatment. Apart from what I have just said, I have heard just now that the Bill was drawn up in haste, perhaps with the best intentions, but with more enthusiasm than with any knowledge of the subject. Well, I can only point to the fate that the Bill has received at the hands of the members of the Select Committee. If you refer to the original Bill, and if you refer to the provisions of the Bill as placed before us now, you will find that very little is left of the original Bill. Sir, the Legislative Department, or I may say the members of the Select Committee, with a view not to cause embarrassment to Mr. Basu and his friends, did not follow the usual procedure and underline the sentences that have been introduced now. In that case we would have seen that practically the whole Bill has been redrafted——

Mr. PRESIDENT: But you should tell us why you want to send it back to the Select Committee.

Mr. SHANTI SHEKHARESWAR RAY: I want recommittal, that is my first position, and if recommittal is approved by the House, I would advance my argument at some length.

Now, Sir, I would like to point out that the Bill, as it has emerged from the Select Committee, is quite a different Bill from the original one. I have read the report of the Select Committee as well as the provisions of the Bill as it now stands and I find that it leaves us in a bewildering position. The intention of the Member-in-charge is to stop traffic in women. But let us see from the provisions of the Bill how far this is likely to result. The two important parts of the Bill as it appears to-day are the question of the definition of the word "brothel" and the matter of disposal of minor girls removed from a brothel under section 14 of the Bill. As regards the question of brothels as the Member-in-charge has himself admitted the Select Committee were more or less divided on the point and I think he himself does not approve of the definition of the word "brothel" in the Bill. May I ask, Sir, if the definition, as it stands here in the Bill, in any way helps him? A brothel is defined as "meaning a house, part of a house, room or place in which two or more females carry on prostitution for the gain of any other person or in which any girl under the age of 18 years is kept with intent that she shall at any age be employed or used for any immoral purpose." I do not see how this is going to stop the mischief. It will be very easy for any person, any clever person, to get behind this attempt at legislation. Suppose some one starts with the idea of——

Mr. PRESIDENT: I think I had better give you some directions. Of course, it is far from my mind to prevent you from choosing your own course, but in any case, I must ask you not to go into the details of the Bill at this stage. Your primary duty is to show to the House why you want the Bill to be recommitted and attack the principles of the Bill if you think it necessary. You should also show why you are not satisfied with the personnel of the Select Committee that was appointed by the House. That is primarily your duty and as regards the details of the Bill, you will have an opportunity of discussing them when we take the Bill clause by clause.

Mr. SHANTI SHEKHARESWAR RAY: My intention is to show that the Bill has not received adequate consideration at the hands of the Select Committee and also to show that the manner in which they have set up the report before us also shows that their consideration of the draft Bill has been inadequate. The main intention of the Bill is to stop traffic in women and get rid of the *hariwalli*, as they say, but I find that as it stands——

Mr. PRESIDENT: My ruling is that you cannot discuss details at this stage, but you can attack the principles of the Bill, and refer only to the details in so far as they affect those principles.

Mr. SHANTI SHEKHARESWAR RAY: May I not refer to the details at all, Sir? Is that your decision?

Mr. PRESIDENT: I think you had better not dwell on them at this stage.

Mr. SHANTI SHEKHARESWAR RAY: Then my task is very much simplified.

Mr. PRESIDENT: You must thank me for that. (Laughter.)

Mr. SHANTI SHEKHARESWAR RAY: I always prefer to submit to your ruling instead of challenging it. Well, Sir, this is a very serious and important matter, this is a subject on which I think an average member of this Council finds himself in a great difficulty to dip into. If it had been a case of police torture, then we could have dealt with the subject at a moment's notice, because we have a lot of information in our possession on that subject. But this is a highly technical subject and it is only those who are experts in the subject that can do justice to it. I am almost certain that the House in appointing the Select Committee made rather a great mistake. They appointed a committee with too many innocent men, I mean, of course,

innocent of the subject they were going to deal with. So I would suggest that the Bill should be recommitted, and recommitted with the additional members I have named.

As regards Dr. Naresh Chandra Sen Gupta, he has acquired a great reputation as a writer on sex matters. The other day—I am going to refer to rather a personal matter——

Mr. PRESIDENT: You had better not tread on dangerous grounds.

Mr. SHANTI SHEKHARESWAR RAY: All right, Sir. Anyway I believe there is none in this House or outside it——

Mr. PRESIDENT: I can anticipate what you are going to say, but please do not refer to that. I will not allow you to say anything at the expense of another.

Mr. SHANTI SHEKHARESWAR RAY: At least I am sure none in this House or outside it will challenge my statement that Dr. Naresh Chandra Sen Gupta would be a very useful member on the Select Committee. As regards Maulvi Abul Kasem, we should utilise his experience——

Reverend B. A. NAG: I do not know whether it is a point of order, but all the same is this sort of thing to be allowed in this Council?

Mr. PRESIDENT: Order, order: When a member says that a particular individual is an experienced man, I do not think it is possible to stop him from saying so; but I am wide awake and shall see that nothing really objectionable is said.

Mr. SHANTI SHEKHARESWAR RAY: As regards my friend, Mr. P. Banerji, those members who have followed the proceedings in this House during this session are aware of the great interest he takes in the traffic problems of this city, I mean the problem of vehicular traffic, and I am sure from what I know of him that he is also very much interested in the suppression of immoral traffic. As regards my humble self, it is against our *shastras* to beat one's own drum; so I shall not refer to myself. But I may say that if I am on this committee or if I had been on the committee I would have considered the matter from the position of the householder with a big family perhaps of a dozen of children and grown up girls, aged 21, 18, 16 and so on, from the point of view of a householder who is very much interested in measures of this sort, measures intended to save the growing population of this country from a great evil. Sir, though I have spoken

rather lightheartedly on the subject up till now, I may assure the House that I am interested in the matter, and am as deeply interested in it as any one else, and if I have given the impression that I am exhibiting an attitude of obstruction, I would ask the House to disabuse that impression from its mind. Sir, what strikes me at the very outset is that we have got hold of the wrong end of the stick in connection with this measure——

Mr. PRESIDENT: Mr. Ray, before you waste more energy, could you tell me whether you have obtained the consent of the gentlemen whom you want to serve on the Select Committee?

Mr. SHANTI SHEKHARESWAR RAY: I think that may come later on. The general practice is that first of all we have to get the opinion of the House as regards the recommittal, then comes the question of the personnel.

Mr. PRESIDENT: I cannot allow you to proceed any further unless you tell me that you have got the consent of these gentlemen to serve on the Select Committee.

Mr. SHANTI SHEKHARESWÅR RAY: These members have already given their consent, but I have not yet taken their written consent, my impression being that after the recommittal had been decided by the House then the question of the personnel would arise. If you, Sir, disallow that on that score, this part of my amendment falls to the ground; that is all.

Mr. PRESIDENT: You need not labour that point then.

Mr. SHANTI SHEKHARESWAR RAY: I have very little more to say except that I have read the opinions on the Bill but unfortunately I could find no opinion from the people who are mainly interested in the matter, namely, the unfortunates.

Mr. P. BANERJI: Mr. President, Sir, I must admit that we have to speak to-day or rather give our opinion with a certain amount of restraint in view of the fact that looking at the galleries——

Mr. S. M. BOSE: On a point of order, Sir. Can the hon'ble member refer to anybody not in this House?

Mr. PRESIDENT: Certainly not.

Mr. P. BANERJI: I have not referred to anybody. I do not know why Mr. Bose rises on a point of order.

Mr. PRESIDENT: Mr. Bose was quite right. You were absolutely wrong when you attempted to refer to the visitors in the galleries and I take the strongest possible exception to what you tried to do.

Mr. P. BANERJI: I am still not convinced what remark I made that necessitated such a snubbing from the Chair.

Mr. PRESIDENT: You are not to criticise my ruling but to act up to it.

Mr. P. BANERJI: Sir, I know we are to submit to your ruling.

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of order, Sir. This is most——

Mr. P. BANERJI: I do not understand why members should stand up and try to snub those members that have the courage to stand and tell the truth.

Mr. PRESIDENT: Will you come to the subject? We cannot afford to waste time in this way.

Mr. P. BANERJI: I do not think I am wasting your time or my time. I am just submitting to you what I think, in my humble way. It has been the practice of this House not to change the clauses of the Bill completely; but it is rather unique that in this particular Bill which has 24 clauses, all the clauses have more or less been changed and redrafted. Not only all the clauses have been changed but five new clauses have been introduced and three old ones have been altogether deleted. I say that the whole Bill has been changed lock, stock and barrel necessitating a reconsideration at the hands of this committee or any other committee. I do not think that we should be blamed on this particular point when such a unique course has been adopted in this particular Bill. Reading between the lines of the Bill introduced by Mr. J. N. Basu we find that in the original Bill the object was practically to stop the vice. But what has now been done is that traffic in girls is going to be stopped. I can tell Mr. J. N. Basu that it will come to nothing but will simply give an additional handling to the police. Everyone knows the state of affairs and how things are going on from the time of Mr. Basu's young days up to the present time in the northern part of the town, the locality where Mr. Basu

resides, and if Mr. Basu goes about and makes personal inquiries, he will find that in the new changes that have been made Mr. Basu's whole object will be frustrated. There is immoral traffic in girls which I say will not be stopped by this measure. I would rather be very glad and indeed I would welcome Mr. Basu if he introduces a Bill of that kind which will go to some extent, if not wholly, to put a stop to the vice of prostitution. It has been said even in this House times without number that a bad thing like prostitution should be stopped, but nowhere in this Bill has any attempt been made at stopping that vice. Therefore I would only request Mr. Basu either to consent to send this Bill again to the Select Committee or to withdraw it and bring in a new measure to be introduced in this or in the next session of the Council. That would at least be an attempt to stop this great vice of prostitution. With these words I support the motion of Mr. Shanti Shekhareswar Ray.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, in rising to support the motion I would submit that my main object in giving my support for recommittal is this, firstly that this Bill has sprung a surprise on the members of this House at the fag end of the session and members had hardly any time to study the Bill as it emerged from the Select Committee to get themselves prepared to speak on the subject. Secondly, the Bill has undergone so much change in the hands of the Select Committee that it is quite meet and proper that it should await further opinion from outside on its amended form. Thirdly, Sir, there are other reasons for which I would like to deal with three more important clauses of the Bill. My reasons are as follows:—

Sub-clause (*c*) under clause 4 should be omitted, because "any society" is a very vague term and recognition by the Local Government may be for more reasons than what is in the contemplation of the legislature. Sub-clause 4, under clause 6, should be omitted, because here the landlord is made legally bound to satisfy the court with regard to his *bona fide* belief, etc.——

Babu SATYA KINKAR SAHANA: On a point of order, Sir. Is the hon'ble member in order in discussing the clauses of the Bill? He was going into the details.

Mr. PRESIDENT: Please do not go into details at this stage.

Rai Bahadur SATYENDRA KUMAR DAS: No, certainly not. This will inevitably lead to any number of litigations. Clause 14 should be omitted. It has been redrafted; but redrafting has not much improved it. I objected to police interference. Social reform by

police interference is a doubtful good. Clause 19 should be omitted. Not that I want to give indulgence to solicitation. (VOICE: He is again going into details.) (Mr. PRESIDENT: That is the difficulty of having a set speech.) I know police interference against solicitations will do more harm than good. And, Sir, solicitation of a particular type did not originally belong to our country. It is an import from the west. These are my reasons for sending the Bill to the Select Committee again. If the Bill is passed into law as it is, it will not be practicable: it will not be workable. It suggests a social reform which befits the mid-Victorian age. The present age has outgrown it. Until and unless we change our outlook towards the prostitutes as a class, until and unless we think them as social beings capable of as much, if not greater, moral and spiritual improvement, like ourselves, mere idea of pity and sympathy will not solve the problem. May I ask one question to the author of the Bill? Is Mr. J. N. Basu prepared to take a prostitute back to decent society when she really gives up prostitution and lives a virtuous life? I know he is not. Then, is Mr. J. N. Basu prepared to find out some honest means of livelihood for the prostitutes? No, he is not prepared.

Well, Sir, the world has moved too far in this matter: without keeping pace with it this Bill suggests remedy which is more harmful than beneficent.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I rise to oppose this motion. As Mr. Shanti Shekhareswar Ray has himself admitted and as the trend of his speech will show, he was not really very serious in this matter. Mr. Shanti Shekhareswar Ray of all members, I think, cannot complain that he has had no time to study the Bill as we find that in a Bill of 24 clauses he has given notice of as many as 16 amendments and his amendments touch nearly all clauses of the Bill. This Bill has had very careful consideration in the Select Committee. We sat for a very long time and had very many sittings and I do not think that recommittal to that Select Committee will lead to any result at all. The Bill has been sufficiently long before the public for them to know every detail and a further delay in its taking up will lead to no advantage to any one. I, therefore, very strongly oppose this motion which I characterise as a dilatory one.

Mr. W. C. WORDSWORTH: Sir, I also oppose this motion for recommitment. I was a member of the Select Committee and I can assure the House that the Select Committee gave much labour and time to this Bill and we were so divided in opinion on the Select Committee that it is inevitable that every point put before us was considered very carefully and the result which we have put before the House was arrived at with great care and pains.

I do not see, therefore, that we shall gain much by sending the Bill back again to the same committee or to the same committee enriched by a few more members. The Bill is presumably imperfect. The committee was conscious of its many imperfections, but I claim we have done our best and have put before the House something that is worthy of its consideration; nay, I add, of the House's serious consideration. This is one of the most serious matters which we have had before us, and I am sure many of us resent attempts to treat it with flippancy. I have listened to no cogent reason why this Bill should be sent back. Mr. Shanti Shekhareswar Ray was rather disposed to emphasise not that the Select Committee had not done its work carefully but that he himself had not had sufficient time to study the Bill carefully. I do not think that there is any force in the argument nor I imagine will this make any difference in Mr. Shanti Shekhareswar Ray's attitude to the Bill, because, as has been pointed out, he has put down 15 amendments covering the whole Bill. The fact that he has had no time to master the Bill should not in any way prevent the House from considering it. He has complained that the House has had no time to deal with the budget because of the White Paper and this Bill. I did not notice that there was any lack of amendments on the budget from him. I do not see that there is any lack of amendments from him on this agenda paper. I am sure nothing will prevent him from telling us at length what his opinion is on the White Paper.

Babu JITENDRALAL BANNERJEE: Sir, no case nor even the shadow of a case has been made out as to why the Bill should be recommitted. It is idle to say that the Bill has been sprung upon us as a surprise. It has been before us for the last six months; the subject has been before the country for more than half a dozen years. And in these circumstances to say that the Bill has come to us as a surprise is a travesty of facts. It is no argument to say we had no opportunity of studying the Bill. I am afraid those who had no opportunity of studying the Bill will never have the opportunity of doing so. The Bill is very narrow in its scope. It does not aim at the suppression of vice as some members appear to think. It aims at the suppression of traffic in vice, which is a very different thing and upon which the concentrated attention of the House should be fixed. The Bill was very carefully considered in the Select Committee. Therefore, there is no reason for sending it back again. But in this connection I should like to draw attention to one little matter—one sentence of piquant humour in the report of the Select Committee. They say, "We do not consider that the Bill has been so altered as to require republication." The members of the Select Committee must have expansive ideas on the subject of what alteration means. The Bill consists of 24 clauses; and everyone of these clauses, without one

single exception, has been altered, modified and redrafted. But, what of that? The members complacently remark that the Bill has not been so altered as to require republication! Five new clauses have been added to the Bill, and three old clauses have been omitted. The definition of the cardinal word, "brothel"—even that has been altered beyond recognition. But, what of that? The members still think that no case has been made out for republication; and I must thank them for this delightful exhibition of their sense of humour.

Mr. J. N. GUPTA: Sir, having served on the Select Committee I must say a few words in opposing the motion for sending this Bill for further consideration. The point on which I want to lay special emphasis is that the members who have opposed the Bill and wanted it to be recommitted do not seem to have grasped the intention of the framer of the Bill. Mr. Basu never intended that the vice of prostitution should be stopped, and the complaint of some members that he has not succeeded in doing that or that the Select Committee have not succeeded in doing that is entirely wrong and beside the point. I will refer to the original Statement of Objects and Reasons of Mr. Basu's Bill. That clearly points out that it will give to the authorities such powers as will materially aid them in checking the evil of commercialised vice. So, if the gentlemen who want the Bill to be recommitted have not had time to study or grasp the intention of the framer of the Bill, as has been said by Mr. Jitendralal Bannerjee with whom I agree, they will never have the time to do so. In preparing this Bill we have had the example of legislation which has already taken place in other provinces of India. We had ample materials to guide us and those materials have been carefully considered, and I may say that Mr. Prentice as Chairman of the committee visualised all possible difficulties and every minute detail. It is certainly a fact that the Bill has been amended in very many important parts, but the principle is the same. To say in the same breath that the committee have not given sufficient attention to the Bill and then to say that the Bill has been altered in so many parts is very contradictory to say the least of it. I can vouch for the patience, experience and ability of the members who piloted the provisions of this Bill. As I said this Bill deals with one of the most important subjects in which the whole womanhood of Bengal is deeply interested. It will be a crying shame if we to-day do not help the framer of the Bill to get his Bill passed for which generations to come will be grateful to him.

Mr. P. N. GUHA: Mr. President, Sir, I very strongly oppose the motion for the recommittal of this Bill and in doing so I will point out to Mr. Shanti Shekhareswar Ray that we, the members of the

Select Committee, did take a great deal of care in handling every clause of the Bill. We spent good many hours in every meeting of the Select Committee and we discussed every clause of the Bill in its minutest detail. The clauses, as they stand now, are the results of the joint deliberations of many of us and greatest possible care was bestowed on the whole thing by Messrs. Hogg, Hooper and J. N. Basu who practically redrafted the Bill. I, therefore, think that recommittal will in no way improve the Bill. We have done what we could do and I am sure all members of the Select Committee will endorse my opinion when I say that we shall be able to do nothing further. It is, however, open to the members of the House to take any other course which they may think would improve the situation.

There is one other point referred to by Mr. P. Banerji. He thinks that the Bill, if passed into law, will give a fresh weapon in the hands of the police to harass people. If Mr. Banerji has carefully studied the Bill, he must have found that we have taken great care to minimise the evil as much as possible. Of course we could not do away with the control of the police altogether, but we have studiedly allowed only the responsible officers, such as the Commissioner and Deputy Commissioners in Calcutta and the superintendents in the *mufassal*, to handle the offences under the Act. Further, some clauses will show that a prosecution under this Act will not be allowed to be instituted unless a resolution sanctioning such prosecution is passed by a local body in the *mufassal* and by the Corporation in Calcutta. In short, we have taken all possible care to see that no one is unnecessarily harassed. I, therefore, submit that no case has been made out for the recommittal of the Bill.

The Hon'ble Mr. W. D. R. PRENTICE: May I point out that the matter has been fully discussed and I move that the question be now put?

Mr. PRESIDENT: I agree with the Hon'ble Mr. Prentice that the matter has been sufficiently discussed.

The motion that the question be now put was then put and a division was called.

Rai Bahadur Dr. HARIDHAN DUTT: On a point of order, Sir. My point is that the sense of the House is already perfectly clear and if my friend Mr. Ray divides the House, I can challenge him whether he would have even 10 members following him.

Mr. PRESIDENT: When a division has been called, the President has got to grant it.

The motion was then put and a division taken with the following result:—

AYES.

Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Dutt, Rai Bahadur Dr. Haridhan.
Fawcus, Mr. L. R.
Gangali, Rai Bahadur S. K.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim, Kt.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Haque, Khan Bahadur Maulvi Azizul.
Henderson, Mr. A. G. R.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hoque, Kazi Emdadul.
Hussain, Maulvi Latafat.
Khan, Maulvi Tamizuddin.
Khan, Mr. Nasaur Rahman.
Law, Mr. Surendra Nath.
Lockhart, Mr. A. R. E.
Maguire, Mr. L. T.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mortimer, Mr. H. R.
Nag, Reverend B. A.
Nandy, Maharaja Sah Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Philpot, Mr. H. C. V.
Poddar, Seth Hunuman Prasad.
Prentice, the Hon'ble Mr. W. B. R.
Proctor, Lt.-Col. A. H.
Raheem, Mr. A.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Mr. K. C.
Reid, Mr. R. N.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. B. R.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Stapleton, Mr. H. E.
Steven, Mr. J. W. R.
Sumner, Mr. C. R.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Maulvi Hassan.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Mr. P.
Barma, Rai Sahib Panchanan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Maulvi Abdul Ghani.
[illegible], Rai Bahadur Satyendra Kumar.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Quasem, Maulvi Abul.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur.
Raikat, Mr. Prasanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Mr. Chanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hossai.
Roy Choudhuri, Babu Hem Chandra.
Sabana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Jogesh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.

The Ayes being 56 and the Noes 38, the motion was carried.

The motion that the Bengal Suppression of Immoral Traffic Bill, 1932, be recommitted was then put and lost.

The motion that the Bill, as reported by the Select Committee, be taken into consideration was then put and agreed to.

The Council was then adjourned for 15 minutes for prayer.

(After adjournment.)

Clauses 1 and 2.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

Mr. SHANTI SHEKHARESWAR RAY: I beg to move that clause 1 (*3*) be omitted. Let me read the clause—

"(*3*) This section shall come into force at once and the remaining provisions of this Act, in whole or in part, shall come into force in such areas and on such dates as the Local Government may, by notification in the *Calcutta Gazette*, specify and for this purpose different dates may be specified for different provisions of this Act and for different areas."

My reason is this. This is an important measure and if it is passed into law, it is desirable that the measure should be extended to the whole province at once; otherwise it may lead to certain complications. There are certain provisions which,——Mr. President, am I entitled to refer to provisions in the body of the Bill?

Mr. PRESIDENT: No, please confine yourself to your motion.

Mr. SHANTI SHEKHARESWAR RAY: My idea is that people ought to know that if they infringe the law, they will be punished. If it is extended to one place at one time, and to another place at any other time, naturally it will take a good deal of time for people to have information whether it has been extended to a certain place or not. Thus it would be unfair to penalise a person at, say, Rajshahi, and let him go free in Rangpur or Malda, or any other district. From this point of view, I think, the member in charge of the Bill ought to accept my amendment.

Mr. J. N. BASU: I find some difficulty in accepting this amendment. So far as public opinion is concerned, it is not organised in the same way in all parts of the province, and so far as the agency through which this Act is to be operated, namely, the courts and other administrative staff, is concerned, there is also difficulty. So I think the method laid down by the Select Committee is the best. If there is a public demand for the introduction of the provisions of this Act in any locality, that locality can come up to Government and

ask for an extension of the Bill. If Government extends the provisions, it will also provide the machinery required which will then make the Act effective and operative. I do not agree to the amendment.

Dr. NARESH CHANDRA SEN GUPTA: I oppose this amendment. I do not know whether my friend Mr. Shanti Shekhareswar Ray is perpetrating a joke by moving this motion. One would think that he was so enamoured of the Bill that he wanted it to be introduced all over the province at once. But if he thinks that it is going to be an instrument, a more or less dangerous instrument, which has got to be handled with the utmost care in order to prevent innocent people from being harassed, I do think that he should have insisted on the retention of sub-section (3). Mr. Basu has made a confession, a confession which seems hardly consistent with the enthusiasm with which he has introduced the Bill, that the province as a whole is not prepared for a measure of this sort, that there is not the public opinion behind it that will make it possible and enforceable everywhere, and there is not the machinery available for the purpose of enforcing it everywhere. The discretion of the Government is the only safeguard against its application in places where, owing to the absence of these two elements, the provisions may operate dangerously.

Maulvi HASSAN ALI: I beg to support the motion of Mr. Shanti Shekhareswar Ray. A few minutes ago Mr. Ray was held guilty of dilatoriness with regard to the Bill itself. The opposers of this motion, I think, are guilty of the same dilatoriness in regard to its execution. If immoral traffic is a vice, if we think that this vice is eating into the very vitals of the nation, it should be put a stop to at once. Why should a dilatory measure like this be provided in this section, and find a place in this Bill? I, therefore, say that nothing of the sort of dilatoriness should find a place in regard to any section of the Bill.

The motion of Mr. Shanti Shekhareswar Ray was then put and lost.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that in clause 1 (3), in lines 5 and 6, the words "and for this purpose different dates may be specified for different provisions of this Act and for different areas" be omitted.

It is only a question of drafting. I think the latter portion of the clause is unnecessary, and in that view, I brought forward this motion. I hope there is no difficulty in accepting it.

Babu JATINDRA NATH BASU: The clause to which Mr. Kishori Mohan Chaudhuri objects was inserted to make it clear that the different provisions of the Act could be enforced in different localities on different dates. The earlier part of the clause provides for a contingency like that, and the words to which Kishori Babu objects, are more explanatory than absolutely necessary. But the insertion of those words does not in any way take away from the effect of the earlier words.

The motion was put and lost.

The question that clauses 1 and 2 stand part of the Bill, was then put and agreed to.

Clause 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

Mr. SNANTI SHEKHARESWAR RAY: I beg to move that in clause 3 (*l*), in line 2, for the word "two" the word "ten" be substituted. Let me read the section—

In this Act, unless there is anything repugnant in the subject or context,—

(*l*) "brothel" means any house, part of a house, room or place in which two or more females carry on prostitution for the gain of any other person, or in which any girl under the age of eighteen years is kept with intent that she shall at any age be employed or used for any immoral purpose.

Sir, when this Bill was placed before me, I could not understand how the figure two was fixed. I am in a difficult position because I do not know exactly how things are carried on in these houses of ill-fame. I do not think that two females ever carry on prostitution in the same room at one and the same time; so I think it is desirable that in fixing a definition, we should try to give it a meaning that is generally understood by the people. For instance, what do we mean by a brothel? The general impression is that it is a sort of disorderly house where a large number of females of ill-fame carry on their trade. As it stands, I think the idea is not conveyed. I do not see why it should be restricted to two and not to ten. I must admit that I have no great justification for the figure ten. My idea is that we should try to fix a meaning that conveys a general idea. What do we understand by the word "brothel"? A brothel generally is a place where a large number of these girls congregate and are

available for hire. I feel great delicacy, Sir, for obvious reasons in exploring the point. There is another point which ought to be considered in this connection, that if we confine it to two, or if we extend it to ten, what is the difference? That is my explanation.

Mr. NARENDRA KUMAR BASU: I think Mr. Shanti Shekhareswar Ray is labouring under a misapprehension. So far as the definition of "brothel" is concerned, the members of the Select Committee had a great deal of difficulty in setting upon a proper definition which would satisfy all sides of the House, that is to say, satisfy those who wanted to see that it be not abused as well as those who wanted to make it as wide as possible. But if my friend, Mr. Ray, were good enough to read the report of the Select Committee, he would see what the reason was for the definition adopted. In the Select Committee we considered that a house, part of a house, room or place in which a single prostitute carries on prostitution or in which two or more prostitutes carry on prostitution on their own account should not be deemed to be a brothel. But if two or more prostitutes practise prostitution in the premises for the profit of some other person, the premises should, in our opinion, be deemed to be a brothel. These are the words which are of the utmost importance in this definition. If two or more practise prostitution for the profit of some other person, the premises should, in our opinion, be deemed to be a brothel. I think this will take away from the defects felt by Mr. Ray as to the application of the provision and he will have seen that if this Bill becomes law, there will be no abuse because of the definition of prostitute in clause 3 (*f*).

Mr. S. M. BOSE: Mr. Ray wants to know why we have used the word "two or more." If he had at all devoted any time to the study of the law on the subject, he would have found that this is in accord with the English law, the law in Bombay and in other parts of India. According to English law, by the Disorderly Houses Act of 1851 and by the Criminal Law Amendment Act of 1885 and rulings thereunder, there must be at least two or more females together; under the Bombay Act, Act VIII of 1931, it has been laid down that brothel means a house, room or place habitually used by more than one person for the purposes of prostitution. We have a similar law elsewhere, but I can also show Mr. Ray that there are laws in some countries where any one person is quite enough, and I consider that the Select Committee has been very fair in placing the figure at "two or more."

Dr. NARESH CHANDRA SEN GUPTA: I oppose the amendment moved by my friend. As Mr. Basu has pointed out, the all-important clause in this definition is "for the gain of any other person." Mr. Basu has also told us that the Select Committee took very great care to

give a definition which would satisfy every one, and the result, I am afraid, is that they have satisfied nobody and have not satisfied logic. I cannot see any reason for this tussle about a definition. The definition of brothel is itself immaterial. The mere fact of a house being a brothel renders a person who carries on prostitution there liable to penalties, and the police have been given certain rights in respect of a brothel in the later sections, but the definition makes the application of the provisions practically very difficult, if not altogether infructuous. It is not enough under this definition that two or more females carry on the profession of prostitution; they must also do it for the benefit of another. Mr. S. M. Bose referred to legislation in other countries; there in order to make a brothel it is not required that they should carry on prostitution for the benefit of somebody else. These two ideas have been confused together. Brothels are places where a number of prostitutes congregate together for the purpose of carrying on prostitution that is itself an evil; besides that, prostitution for the benefit of other persons, the exploitation of the sex of one person for the benefit of another, is itself another evil. The Select Committee has not kept these two things separate in their minds and the result is confusion. So, in order to bring these two sections into operation, there must not only be more than one person carrying on prostitution, but they must be carrying on prostitution for the benefit of some other person a proposition which is notoriously difficult to prove and at the same time so very easy to evade. I think the effect of this definition will be to make the Bill practically infructuous.

Khan Bahadur Maulvi AZIZUL HAQUE: I am afraid there has been a complete misunderstanding as to the scope of the Bill which we are discussing to-day. When the Bill was first introduced, there was a wide difference of opinion as to the object with which the Bill was concerned and in the Select Committee this matter was carefully gone into and we came to the conclusion that whatever might be the nature of the evil we had to deal with at the present time, and although it might not be possible for us to tackle the entire question all at once, but that if they proceeded on cautious lines, it might be feasible in the first instance to tackle one aspect of the problem and that particular aspect is not prostitution by itself but where it was exploited for the gain of others. That is the primary object.

Dr. Naresh Chandra Sen Gupta has pointed out to the House that this Bill is likely to be evaded, but I want my friend who is a distinguished lawyer to tell me where is a law which is not evaded or is not likely to be evaded. Human nature is constituted in such a way that we always try to go round the law and it is quite possible that this Bill will fail of its purpose. But the object of the Select Committee has been to make a beginning with social legislation and if it fails of its

purpose, it will be open to the House later on to reconsider the whole matter and to bring out new facts in connection with it. That is no reason why it should not be proceeded with at all and why this traffic in women should not be stopped. It may be difficult to prove and it is indeed admitted that in a city like Calcutta this Bill will give powers in the hands of people which may be exercised in a manner which may or may not be wise, but still it is an experiment and experiment of a nature which we ought to support in this House. As I said before, Mr. Narendra Kumar Basu has explained that this question of definition baffled the efforts of the Select Committee for several days and after they decided up to what extent they were likely to be unanimous in the matter, the present definition was settled. So I feel from this point of view we should stick to the Bill as it stands and later on bring about a change in the light of subsequent circumstances, which it will be open to us to do at any moment.

Babu JATINDRA NATH BASU: After the speeches of Mr. Narendra Kumar Basu and Khan Bahadur Azizul Haque I do not think it is necessary for me to say anything. I only desire to point out that where a house is run by more than one prostitute inmate, there is ground for the charge that that house is being run as a commercial concern for the benefit of others. If there is only one person who is in occupation of the house that presumption would not ordinarily arise. Therefore I think the Select Committee was right in using the words "two or more." I oppose the amendment.

Mr. SHANTI SHEKHARESWAR RAY: On a point of personal explanation. Mr. S. M. Bose said that I had tabled this amendment without studying the subject and that is exactly my excuse. I have not had time to go through the Bill. So I beg leave of the House to withdraw my motion.

The motion of Mr. Shanti Shekhareswar Ray was then, by leave of the Council, withdrawn.

Mr. S. M. BOSE: I beg to move that in clause 3 (*1*), in line 3, the words "for the gain of any other person" be omitted.

The Select Committee has made a most extraordinary change. The Bill has been drafted on lines which are unknown in any other country where similar laws exist and I, therefore, move that these words be entirely omitted. My reasons shortly are these: (*1*) These words would expose innocent persons to harassment and false charges and give a handle to oppression and (*2*) as my friend Dr. Naresh Chandra Sen Gupta has pointed out, it would be very difficult, if not impossible, for anybody to prove that two or more females are carrying on prostitution

for the gain of any other person. It would be impossible to prove, when two or more women are carrying on business, the hidden hand behind. So if we insist upon this element of proving that they are carrying on prostitution for the gain of any other person, it would mean that we would be unable to lay our hands on the real culprit. Dr. Sen Gupta has said that such a provision is unheard of in any other system of law. First, let us take the English Disorderly Houses Act of 1851 and the English Criminal Law Amendment Act of 1885 and the rulings thereunder. It is clear law that mere residence of two females carrying on prostitution is quite enough to make the house a brothel and no element of gain of any other person is at all necessary. A brothel under the English law is a house or room, etc., kept for the purpose of prostitution. So much about the English law. Now let us turn to the Bombay Act VIII of 1931. There brothel means a house, room or place which is habitually used by more than one person for the purpose of prostitution; no element of gain to any person at all arises there. Then we come to the Burma Act II of 1921, section 2 of which says a brothel means any house or room or place which the occupier or the person-in-charge habitually allows to be used by any other person for the purpose of prostitution. Coming to the Bengal Act XIII of 1923, the Calcutta Suppression of Immoral Traffic Act, under section 2*(1)* a brothel means any house, room or place which the occupier or the person-in-charge thereof habitually allows to be used by any other person for the purpose of prostitution. So I say that there is no law anywhere, so far as I am aware, where this element of gain to another person has been introduced. I, therefore, submit that this is absolutely uncalled for and if it is not amended, such a definition will make the Bill practically infructuous, because it would be difficult, if not impossible, for any outsider to prove that there is somebody else behind the scene. Under the laws I have referred to the object is to stop the association of two or more women for such purpose because such association is bound to lead to evil effects, it might lead to enticement of girls and the very fact of such combination of two or more women would lead to the presumption that they are doing it for the gain of somebody else than for the woman herself. It is not my object to touch a woman who is supporting herself by this means. Therefore there should not be any apprehension on this score. I, therefore, submit that no case has been made out for the insertion of these words and I move that they be omitted.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to oppose the amendment. The omission of the words will fundamentally change the character of the Bill before us. The ideal at which the Select Committee aimed was to attack not only trafficking but also prostitution to a certain extent by penalising all those who would keep brothels and would encourage prostitution. The idea was to minimise

the evil and to stop traffic altogether. That being the idea, if these words are omitted, it will give the Act altogether a new character and the members of the Select Committee who were made to agree on the above basis will find great difficulty in approving the altered object of the Bill and that will create a good deal of fresh controversy. In fact, on this point a good deal of controversy was raised in public because there were some people who reasonably thought that we had not reached a stage when we could compel prostitutes to give up prostitution, although there might be advanced reasons to stop prostitution altogether. In order to find a *via media* this definition was accepted by the Select Committee and the majority of the members were agreeable to this idea. It will not do simply to follow blindly other countries. If the model of those countries were to be followed, we do not know where we would stand. In New York an effort was made for stopping the evil altogether from the early part of the century. But the result has not been very encouraging. They first began by localising the evil in certain areas called "red districts." It was, however, found subsequently that instead of stopping the evil its ramifications spread all over the city and the idea had to be abandoned. Sir, it is well known that in Europe and America all these attempts to abolish prostitution altogether have not succeeded. Sir, our women have not got those avenues of livelihood open to them as they have in Europe and America. It is better that we proceed cautiously. Let us proceed slowly. You cannot expect that the prostitutes will be turned out of Calcutta in a day. We are seeking to improve matters and it is better that we do proceed cautiously so as to take public opinion with us and not rashly. And in that view of the case as a member of the Select Committee I strongly oppose the motion.

Mr. NARENDRA KUMAR BASU: Sir, I beg to oppose the amendment. As a matter of fact the reasons given by the learned mover of this amendment are really reasons for opposing it. The mover has forgotten in his anxiety that this Bill does not aim at the suppression of immorality but at the suppression of immoral traffic. The preamble says: "Whereas it is expedient to make better provision for the suppression of traffic in women and girls for immoral purposes." The counsel of perfection that he has attempted in this amendment is that wherever more than one female carries on prostitution should be considered as a brothel and the owners and others should be fined or sent to jail. That would, I submit, have been possible in Mr. Bose's utopia, where no such things exist; but in this matter-of-fact world of ours, with which he is not familiar, we cannot have anything of this sort, although Mr. Gupta with his 30 years' experience may think otherwise. However, as this Bill was not aimed at suppressing prostitution, it was after a great deal of care and discussion that the Select Committee arrived at this definition. I do not say that this definition is an ideal

one, but I do not say that this was the definition which, as far as one could understand, had had the approval of all the members of the Select Committee including Mr. J. N. Gupta. In spite of his shaking of head, I say that he accepted it as he has not submitted a note of dissent. I say the definition is really a definition of the sort of brothel which we want to suppress. We do not want to suppress all prostitution—we will not be able to do that. I know some people want to suppress prostitution altogether; but that time has not yet come and I do not know whether that time will come in the life-time of my friend. As this Bill aims at suppressing immoral traffic in women and girls, you will be changing its scope altogether if you delete the words as suggested by the mover.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I want to support the amendment of Mr. S. M. Bose. If you want to be serious about the business, I think, the words should be removed, because otherwise I believe you will not be able to get hold of a single trafficker in girls. What the trafficker will do is that he will ask the prostitutes in a brothel to form into a corporation and then appoint himself as the manager of the corporation. So it will be very difficult for you to fix him as a person living on the prostitution of the girls there; and my opinion is that if you let these words stand, the Bill will be practically useless, because you will not be able to prosecute anybody for managing a brothel, as brothel is a place where women carry on prostitution for the gain of other persons.

Babu JATINDRA NATH BASU: Sir, this is one of the clauses in the Bill which was most carefully and anxiously considered by the Select Committee. The difficulties were fully appreciated and it was after a very lengthy discussion that the Select Committee arrived at the definition which is now before the House. Sir, the words to which objection has been taken are " for the gain of any other person." It is undoubtedly an exceedingly difficult thing to prove, but it is one of the things that is not entirely outside the region of proof. If public opinion is properly organised and if there are organisations established by the people to keep a watchful eye over brothels, I think it will not be difficult for us to apply the provisions of this law. There is another part of it to which I desire to call attention and that is an important part, namely, the protection of female children. The first part of the definition says "where two or more females carry on prostitution for the gain of any other person" and the second part says "or in which any girl under the age of eighteen years is kept with the intent that she shall at any age be employed or used for any immoral purpose." These words have been inserted in accordance with the recommendations of the committee appointed by the League of Nations and they form a part

of some of the provisions of the Indian Penal Code, which was amended in accordance with the recommendations of that committee. I, therefore, commend the definition as it stands to the House, and I think that the difficulties which Mr. S. M. Bose anticipates as regards the working of the section are not likely to arise.

The motion of Mr. S. M. Bose was then put and lost.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 3(*1*), in line 4, after the words "eighteen years" the following words be inserted, namely:—

"or any female kidnapped from lawful guardianship or abducted or who has left her home voluntarily with intent to carry on prostitution."

I beg also to move that to clause 3(*1*) the following be added, namely:—

"or which is used as a meeting place for immoral purposes of persons of opposite sexes not united by any form of marriage sanctioned by any religion or custom of any nationality."

Sir, we have heard a good lot of discussion here about the definition of "brothel." I will not go into the details of that, but two points which have struck me are worthy of consideration by the Council, and I shall place them before you in connection with items 12 and 13.

Mr. PRESIDENT: What about item No. 14?

Rai Bahadur Dr. HARIDHAN DUTT: I would rather like to deal with 12 and 13 now. I would remind some of my friends who have had experience like me—men like Mr. Narendra Kumar Basu and the mover of the Bill and others who live in Calcutta and are in close connection with the society here—that it is a matter of frequent occurrence that a kidnapper or abductor generally takes his victim to a prostitute's house in Calcutta where accommodation is readily found for them and where secrecy is maintained through the *bariwalli* or the lessee of the house. Incidents of this kind of protection to a woman coming from the *mufassal*, after being abducted or kidnapped, are very common. Those who read newspapers will bear me out that it has become pretty common that a woman abducted from the *mufassal* is brought to Calcutta and taken to disreputable localities and kept there for a certain length of time. Then if she is not rescued in time, she generally adds to the number of the unhappy women of the kind. Then that woman generally, if she is not rescued, goes and adds to the number of the women of the town. The definition, as it stands, gives protection to girls under the age of 18, but

what about those women who are above the age of 18? These women, if they are kept concealed for some time, it ought to be our endeavour to save them. They are being trafficked no doubt. What I am asking for is to prevent the trafficking in girls whether they are under the age of 18 or not. A girl of above 18 is likely to be brought down and kept in a House of ill-fame, and then the number of prostitutes may go on increasing. That is the reason why I have suggested the insertion of these words in clause 3 (*1*) after the words "18 years."

Similarly, it is our experience—I am not ashamed to tell my friends who come from the *mufassal*—that in Calcutta there are some houses which are known as "empty houses" where a man and a woman who are not united by any form of marriage but want to come in contact with each other, go and prostitute themselves. These women, who go to these empty houses, are encouraged and generally go to increase the number of prostitutes. These are the reasons which have prompted me to place these amendments before the House.

Mr. NARENDRA KUMAR BASU: I beg to oppose this amendment. Dr. Dutt says or rather he tries to make out a case but rushes into realms with which he has nothing to do. If he only confined himself to medicine and not, if I may say so without impertinence, meandered into legislation, it would have been better. Amateur legislation has its limits, but amateur physico-legislators are almost about the limit. It seems Dr. Dutt does not know what he is talking about. We are not here by this section trying to suppress any immorality. We are really trying to define brothels here. Dr. Dutt thinks that we are not hitting at the concealment of women kidnapped or abducted. I am sorry Dr. Dutt does not know that there is such a thing as the Indian Penal Code. Section 368 of that Code says that whoever knowing that any person has been kidnapped or has been abducted wrongfully conceals or confines such person shall be punished, etc., etc. Therefore concealment and confinement of a person who has been kidnapped or abducted is an offence under the Indian Penal Code. His object is already provided for in the law and it would be absolutely useless to have these words in the definition of brothel. Therefore I say that the definition that this Bill has got is for the purposes of clauses 4 and 7, the punishment for keeping a brothel and the discontinuance of a brothel by the local authorities.

As regards the second one, there also Dr. Dutt seems to think that he is adding something which would define a brothel. He is doing nothing of the sort. He is trying to define prostitution by saying that a place which is used as a meeting place for immoral purposes of persons of opposite sexes not united by any form of marriage sanctioned by any religion or custom of any nationality. Apart from

the merits or demerits of the language, I submit that these words can be used in defining prostitution and not in defining a brothel. Therefore I submit that these amendments are uncalled for.

Babu SATISH CHANDRA RAY CHOWDHURY: I want to oppose this amendment from a different point of view. In the language of the proposed section 3, the word brothel means any house, part of a house, room or place in which two or more females live, that is one independent portion, and secondly in which any girl under the age of 18 years is kept up to any age, that is to say, in order to give protection to minors who at that time may not be aware of the use to which they may be put. The second part is intended for the special protection of the minors. If Mr. Dutt's sentences are included, that may make any house for the time being a brothel. Supposing a woman who has left the village with intent to carry on prostitution comes down to Calcutta and finds shelter in certain houses; the owners of the houses though innocent of her design, run the risk of being penalised if the words suggested by Mr. Dutt are included in the definition, because in the subsequent section we find that unless they do certain things, they will be liable to serious punishment. Therefore words should not be included in the definition of brothel as to make it uncertain for every owner of the house regarding his own position. Therefore I do not think this thing can be admitted specially when we have got the Indian Penal Code to deal with those persons who really abduct a woman.

Babu JATINDRA NATH BASU: Amendments Nos. 12 and 13 which have been moved by Dr. Haridhan Dutt are merely descriptive and give two kinds of descriptions in connection with houses which would bring them under the category of "brothels." The words that he has used, I think, are so wide that they will make it difficult in the matter of the interpretation of the word "brothel" as it has been interpreted in connection with similar laws not only in this country but elsewhere. These difficulties are there, and as Mr. Narendra Kumar Basu has pointed out, when any offence of this character is committed, there are provisions in the Indian Penal Code and also in subsequent clauses of this Bill itself, such as clauses 10, 11, and so forth, which provide specifically for offences of that character. As there are special provisions to deal with these offences, I do not think the words should be included here.

The two motions of Rai Bahadur Dr. Haridhan Dutt were then put and lost.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in the explanation to clause 3(*1*), in line 6, after the word "place" the words "and is not above the age of ten years" be inserted.

I could not accept your advice, Sir, to take this amendment up along with items 12 and 13, because this raises a very important question of principle. Here I have suggested that all girls of the age of ten and above should be removed from the guardianship of the mother even when the relation of the girl to the mother is that of mother and child. I find the principle that has been adopted in the Select Committee has been this, that a girl born to a woman of the town will be allowed to remain with her mother for time indefinite. No attempt has been made in this Bill to separate such girls from their mothers. What I am suggesting here is a change in that principle, so that girls born of these mothers may continue to remain under the guardianship of the unfortunate mothers up to the age of 10 and not beyond that. Some of my friends who are full of the milk of human kindness think it impossible to swallow the idea of separating a girl of 10 years from her mother for any reason whatsoever. I must candidly confess that that milk of human kindness is not flowing in my heart. I consider that a girl who is unfortunately born in the surroundings of a brothel, if she is to be separated, ought to be separated with every possible means from the tutelage of the mother at an age when separation would not be impossible. I have been asked by some of my friends who take interest in the matter as to why I have suggested 10 and not 11 years. I have no hesitation in saying that when I have suggested 10, I have ample justification for doing that. Sir, these girls begin to attain puberty at the age of 10, and when they attain the age of 13, they become quite mature and full of puberty. I suggest that if they have to be separated from immoral surroundings, they ought to be separated before they begin to attain puberty. Sir, it is the unfortunate condition of Indian girls—at least this is the case with Hindu girls where early marriage is still rampant—that they are taken away from their parental homes at the age of nine or ten to their father-in-law's house. This was the case with our mothers and grandmothers, though our daughters marry at a later age nowadays, and it was not found impossible to take a girl away from her house in Calcutta to Mymensingh or Rangpur to establish herself in the family of her father-in-law. If this was, and still is, allowed by society, I cannot understand why serious objection should be taken to the separation of a child of a prostitute at the age of ten and remove her to better surroundings. That is the reason why I have suggested ten years. Then the question arises where we ought to take these girls. When the Bill was passing through its first reading, I was one of those who spoke out my mind and said that however laudable the object of Mr. J. N. Basu was to legislate on these lines, the fulfilment of his ideas was extremely difficult, and that difficulty was mainly based on the insufficiency of accommodation for these girls. I do realise that it is an extremely difficult problem. If we remove these girls at ten, hundreds of them will have to be taken away from

their parents. But if the people really want that traffic in girls should be stopped, then my friend, Mr. Basu, who is our leader here as also outside the House—he has a vast amount of influence—must exert his influence. We must all combine. I take a very optimistic view of the whole situation, and believe that in that case society will come forward and give us the money necessary for the creation of refuge homes for these girls. But if the Bill be passed in this form, no such effort will be possible. In this Bill you do not propose any arrangement to be made for the rescue of these unfortunate girls and for their future well-being. Society might say, you have allowed them to remain with their mothers, and there is no serious proposal to provide for them elsewhere; so nothing for their accommodation is necessary. That is the reason why I ask Mr. Basu and those who are seriously desirous of helping Indian society in suppressing this traffic of girls, to consider this proposal to remove girls after 10 from brothels. If you do not, you will do immense injury to these unfortunate girls. Sir, I have brought forward this amendment in the hope that it may be carefully considered by all who are so anxious to do something for the womanhood of Bengal.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I have to oppose this amendment. Rai Bahadur Dr. Dutt has not considered what will be the effect of the amendment if it is carried. If it is carried, would it serve the purpose which he has in mind? The removal of girls, as provided for by sections 14, 15 and other sections, has nothing to do with the definition of a "brothel." It is laid down that when a girl under the age of 18 is living under conditions referred to here, it shall be presumed that she has been kept with the intent that she shall be used for immoral purposes. To that an exception has been in respect of the daughter of an inmate of the house. Dr. Dutt says that the exception should apply only so long as the daughter is under ten years. Supposing that is accepted, the exception does not apply to a girl of 11, and then the house where she lives becomes a brothel, and that brings in section 4, and section 7 and these sections have nothing to do whatsoever with removing these minor girls from the custody of their mothers. That being so, I submit that this amendment will serve no useful purpose.

Babu JATINDRA NATH BASU: I have great sympathy with the proposal of Dr. Dutt as placed before this House, but I must say that he has not considered the various difficulties that stand in the way. First of all, he is doing away with the cardinal principle of civil law under which a parent is entitled to have custody of the child until it attains the age of 18 years. I do not know as to whether we can here pass any legislation without fully considering the effects of it on the general principles of civil law.

Then there are also other difficulties. Dr. Dutt knows very well that this Bill is merely a step, and it is not going all the way that he and I should like it to go, and as a first step, I think, he should be satisfied with what has been provided. In the later provisions of this Bill you will find that if a girl is under ten years or even if she is not under ten years, and is the daughter of a prostitute and is found under circumstances in which it is necessary that she should be removed from the custody of the mother, there is nothing to prevent her being so removed. In view of this explanation, I hope Dr. Dutt will withdraw his amendment.

The motion of Rai Bahadur Dr. Haridhan Dutt was then put and lost.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 3 (*4*), in line 1, for the word "promiscuous" the word "illicit" be substituted.

The only thing that I have to say is this. It is extremely difficult to prove promiscuous intercourse, but it is possible to prove illicit intercourse.

Babu JATINDRA NATH BASU: I oppose the amendment. As has been repeatedly pointed out on the floor of this House, it is not a Bill which is trying to put down immorality. Illicit intercourse means intercourse between persons who are not tied to each other by wedlock. But we are not going to put down that. That would be far beyond the scope of the Bill.

The motion was put and lost.

The question that clause 3 do form part of the Bill was put and agreed to.

Clause 4.

Mr. SHANTI SHEKHARESWAR RAY: I beg to move that clause 4 (*1*) (*c*) be omitted.

The clause runs thus—

> (*c*) being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same, or any part thereof, with the knowledge that the same, or any part thereof, is intended to be used as a brothel, or is wilfully a party to the continued use of such premises, or any part thereof, as a brothel.

Sir, it is rather unfair to accept that every owner of a building or house should know for what purpose his house is going to be used, and in actual practice it will be a matter of great inconvenience and harassment for a house-owner, if this clause is allowed to stand as it is. Of course, I realise that after the definition we have accepted of a "brothel," there is very little cause left for alarm because I am doubtful if the hon'ble member in charge of the Bill will find a single brothel in Bengal, though we are passing an Act of this nature.

Maulvi TAMIZUDDIN KHAN: Sir, I oppose this amendment. There seems to be no reason why Mr. Shauti Shekhareswar Ray does not try to omit clause 4 (*1*) (*b*) but attacks clause 4 (*1*) (*c*). Is it because clause (*1*) (*b*) speaks of tenants, lessees and occupiers, and clause (*1*) (*c*) of the lessor, and landlord? There seems to be no other reason. My friend may think that innocent landlords will be hauled up under this section but he does not say that in so many words. But he forgets that unless and until the landlord knows that any part of the premises is intended to be used as a brothel, he has nothing to fear from. With these words I oppose the amendment.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I rise to support the motion. I would not have taken part in the debate, had the operations of the Bill, when passed, been confined to Calcutta alone, but it will extend its operations to *mufassal* also. In Calcutta, the practice is that when a house is leased out, a document is drafted, finally written and signed by the parties, and if it is for more than one year, it is registered, and in other cases, it is not: as the law stands, if the lease is for one year or less, registration is not compulsory. But the practice in *mufassal* is different. In the case of a lease, no written document is practically drawn up. What is done that is done verbally. Generally a verbal permission is given by a landlord, and the house is leased out. Sir, in cases where for a lease of a house, a document is drawn up and signed by both parties, it is very easy to prove the intention of the landlord or the lessor, but where there is no document or in the absence of a document it will be difficult for a landlord to prove his intention for which a house will be leased out. In *mufassal*, what actually happens is that sometimes a woman approaches and asks for permission to occupy some thatched huts; she importunates and uses such expressions as "*Baba*," "*Ma*," and arouses the sympathy of the landlord and the woman is allowed to occupy without any written contract. The woman, when allowed to occupy a vacant hut, stays there for some time when there will be found nothing to complain against her, but later on if she brings a girl for immoral purposes

and thereby to earn money, how can a landlord prove his innocence? In that case, it is not fair that the landlord should be punished. On these grounds I support the amendment.

Rai Bahadur SATYENDRA KUMAR DAS: I rise to support the motion, not because I happen to be a landlord but because I have some concern with *mufassal* municipalities. In *mufassal* municipalities, there is no localised area where you will find *barwallis*. There a male person always approaches the landlord for taking the lease of a house, and it is not possible for an innocent landlord or his agent to suspect a male person who wants to take a lease of his house. It is always taken on the pretext that it will be used as an officers' mess or as workmen's mess, and it is very difficult to ascertain whether it would be used as a brothel. That being so, Sir, it will be sheer injustice if this clause is allowed to remain as it stands. The author of the Bill, I think, has got no experience about *mufassal* municipalities. It is in respect of a city metropolis like Calcutta that this sub-clause (*c*) may serve some useful purpose, but in the case of *mufassal* towns, if this clause is retained, it will be a sheer injustice to landlords who let out their houses to some persons who may without their knowledge or consent sublet them for the purpose of being used as a brothel.

It is also a fact that in the *mufassal* no lease or agreement is made out or registered for such temporary leases even for one, two or three years. That being so, I would suggest that the author of the Bill should see his way to agree to the deletion of this sub-clause.

Babu JATINDRA NATH BASU: I oppose the amendments. I can well understand that there is an apprehension in some quarters about the use which will be made of the provisions of clause 4. The movers of the amendments have expressed their apprehension on the basis that a house may be so let out without the knowledge of the landlord; but if it is let without the knowledge of the landlord, he should stand out of trouble, because clause 4 (*1*) (*c*) distinctly says "being the lessor or landlord of any premises or the agent of such lessor or landlord, lets the same or any part thereof, *with the knowledge that the same or any part thereof, is intended to be used as a brothel.*" It will be, therefore, for the man who takes proceedings under section 7 to prove that the landlord had such knowledge and if he cannot prove such knowledge, the complaint will fail. It may be imagined that in big cities throughout the world a landlord may let out his premises with the full knowledge that those houses are going to be used as brothels. In Calcutta as a result of inquiries I have found that the rent realised from a house let out as a brothel

is much higher than if it were let out to an ordinary tenant. So this possibility of landlords indirectly helping in this traffic in women should not be neglected. Moreover, this would omit an important link which we ought to get at in order to put down the traffic. I, therefore, oppose the amendment and hope the House will throw it out.

The motion of Mr. Shanti Shekhareswar Ray was then put and a division taken with the following result:—

AYES.

Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chowdhury, Maulvi Abdul Ghani.
Das, Rai Bahadur Satyendra Kumar.
Ghose, Dr. Amulya Ratan.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Hemanta.
Roy, Babu Haribansa.
Roy, Babu Jitendra Nath.
Roy Choudhuri, Babu Nem Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Austin, Mr. J. H.
Bakhsh, Maulvi Syed Majid.
Banerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Blandy, Mr. E. R.
Bose, Mr. S. M.
Burn, Mr. H. N.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Cooper, Mr. S. G.
Dutt, Rai Bahadur Dr. Haridhan.
Fawcus, Mr. L. R.
Ganguli, Rai Bahadur S. K.
Ghaznavi, the Hon'ble Alhaj Sir Abdelkerim, Kt.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Henderson, Mr. A. G. R.
Hogg, Mr. G. P.
Hooper, Mr. G. S.
Hossain, Maulvi Mohammad.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maiti, Mr. R.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mukunda Behary.
Nag, Reverend D. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. S. V.
Poddar, Seth Hanuman Prasad.
Prentice, the Hon'ble Mr. W. D. R.
Procter, Lt.-Col. A. H.
Qasem, Maulvi Abul.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur-.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Rajendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Reid, Mr. R. N.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sadeklullah, Maulvi Muhammad.
Sarker, Raj Sahib Rebati Mohan.
Sen, Mr. B. R.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Stapleton, Mr. H. E.
Steven, Mr. J. W. H.
Sumner, Mr. S. R.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. S.

The Ayes being 12 and the Noes 64, the motion was lost.

Mr. PRESIDENT: I had better ask Mr. Ray not to waste the time of the Council by calling divisions for nothing.

Mr. SHANTI SHEKHARESWAR RAY: Before I proceed to move my motion, may I ask your ruling whether I cannot call any division when I feel that there is support for a motion of mine, whether that support is substantial support, or whether it is confined to only 10 or 12 members?

Mr. PRESIDENT: I might tell you that when a member calls a division, he really challenges the opinion of the President formed on the strength of the answering cries and one should not do so unless he is really satisfied that a division is necessary from consideration of the probabilities of the case. You did not expect a large number, I mean a decent number of members, to follow you to the same lobby.

Mr. SHANTI SHEKHARESWAR RAY: May I know, Sir, what is your idea about a large number?

Mr. PRESIDENT: Order, order. Please move your amendment.

Mr. SHANTI SHEKHARESWAR RAY: In view of your ruling I think I should not move any further amendment.

Mr. PRESIDENT: What has my ruling got to do with that?

Mr. SHANTI SHEKHARESWAR RAY: Your ruling was that I was wasting the time of the Council. But I was supported by the Raja Bahadur of Nashipur, one of the premier landlords of Bengal, and others. I most respectfully submit that you will reconsider your ruling that I was wasting the time of the Council.

Mr. PRESIDENT: I might tell Mr. Ray that I meant no offence whatsoever, but I gave him an advice and that advice had behind it the authority of the President. I think Mr. Ray had better take that into consideration.

Maulvi SYED MAJID BAKSH: What is our remedy if discussion is shut out in this way?

Mr. PRESIDENT: What do you mean? You must allow me to conduct the business of the House. If I find that you have really a material point to raise, I shall be most happy to listen to you, but if your desire is to obstruct business, I have every right to refuse to listen to you.

Mr. P. BANERJI: May I inquire, Sir, how you can anticipate that we shall try to obstruct or waste the time of the Council? I rose seven times but did not catch your eye.

Mr. PRESIDENT: It was no fault of mine if you did not catch my eye.

Mr. P. BANERJI: Certainly it was yours. I cried out in order to draw your attention. (Cries of "Order, order" from all sides.) I want to know whether it is the intention of the President to limit the speakers on any motion.

Mr. PRESIDENT: May I tell you that it is not the ordinary course for a member to put a question to the Chair, far less in the manner you are doing?

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 4 (7) (*b*), in line 1, after the word "separate" the words "premises or" be inserted and in line 2, after the word "premises" the words "or holdings" be inserted.

Sir, I want to point out to the authorities concerned that in the Calcutta Municipal Act the word used is "premises," while in the Bengal Municipal Act the word used is "holding." I would only draw the attention of the House to this. If they want to be consistent, they ought to accept my amendment.

Babu JATINDRA NATH BASU: Sir, I accept the amendment.

The motion was then put and a division was called.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it not calling in question the authority of the Chair?

Mr. PRESIDENT: As the President of the Council, deriving my authority from you, I gave a sound advice to Mr. Ray in all seriousness and with a full sense of my responsibility. I cannot do anything more. Those who are in favour of the division will please raise their hands.

(As more than 10 members raised their hands, the House divided with the following result.)

AYES.

Armstrong, Mr. W. L.
Austin, Mr. J. M.
Basu, Babu Jatindra Nath.
Blandy, Mr. E. G.
Bose, Mr. S. M.
Burn, Mr. H. M.
Chaudhuri, Babu Kishori Mohan.
Cohen, Mr. D. J.
Cooper, Mr. G. G.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Fawcus, Mr. L. R.
Gangoli, Rai Bahadur S. K.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Hogue, Khan Bahadur Maulvi Azizul.

Henderson, Mr. A. G. R.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hussain, Maulvi Latafat.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Yamiuddin.
Khan, Mr. Razaur Rahman.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Philpot, Mr. H. C. V.
Poddar, Seth Hanuman Prasad.
Prentice, the Hon'ble Mr. W. D. R.
Procter, Lt.-Col. A. H.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur-.
Ray Chowdhury, Babu Satish Chandra.
Ray Chowdhury, Mr. K. G.
Reid, Mr. R. R.
Roy, Mr. Saraf Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Roy Choudhuri, Babu Hem Chandra.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. R. R.
Sen, Rai Bahadur Jogesh Chandra.
Stapleton, Mr. H. E.
Steven, Mr. J. W. R.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Townsend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

NOES.

Baksh, Maulvi Syed Majid.
Bal, Rai Sahib Surat Chandra.
Bonnerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Hussain, Maulvi Mohammad.
Maiti, Mr. R.
Mallick, Mr. Mahendra Behary.
Qoasem, Maulvi Abul.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nagesi.
Roy, Babu Haribansa.
Roy, Babu Jitendra Nath.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

The Ayes being 58 and the Noes 22, the motion was carried.

At this stage the Council adjourned for 15 minutes for prayer.

Mr. PRESIDENT: I hope the interval will have a soothing effect on all. (Laughter.)

(After adjournment.)

Mr. W. H. THOMPSON: Sir, would it be in order to express on behalf of the majority of the House our sympathy with you in regard to the incident which happened a few minutes before the interval? Would you, Sir, permit me to mention another matter which was mentioned by Khan Bahadur Abdul Momin already this afternoon? There has been before us for some time a question of alteration in our standing orders, proposing to give you some new powers to deal with resolutions. We were taken by surprise yesterday. We had a party meeting and we were away from the Chamber at the time. We know it was our own fault, and we only crave your indulgence; we ourselves may not be particularly keen on this alteration of the rules, but we do believe in the building up of the traditions of the House by regular means such as would be carried out by considering a motion for the alteration

of the rules, and we are sorry that an accident should have prevented a part of this process of building to proceed. If you would give us an opportunity, this section of the House will be grateful.

Babu SATISH CHANDRA RAY CHOWDHURY: On behalf of my group I beg to associate myself with what Mr. Thompson has said. We are all sorry that we were not present when the matter was taken up yesterday.

Babu JATINDRA NATH BASU: I also associate myself with what has been said by Mr. Thompson.

Mr. PRESIDENT: I have already told the Khan Bahadur that the question cannot be reconsidered this session, but it certainly can be brought forward again at the next session.

Mr. S. M. BOSE: Sir, before moving this motion, may I have your leave to make a slight alteration in it? I should like the motion to be read as follows:—

"That to clause 4 (7) (c), the word 'or' be added and after that clause the following be inserted, namely:—

"(d) a police officer not below the rank of Assistant Commissioner of Police or Superintendent of Police"

My object in moving this motion is to empower a high officer to lay a complaint before a court. This clause, as it now stands, renders a police officer absolutely incapable of moving the court. In very oppressive cases where public opinion is inert and has not been roused, why should not the high officer of the police be entitled to lay complaint before a court? In this country as we all know inertia is the rule and even public spirit is lacking and what is everybody's business becomes nobody's business. So it is advisable that powers should be given to high police officers to lay a complaint before a court. The police authorities may object and say that they do not want to come in touch with these untouchable evil-doers. Their work is now heavy as it is. Why add to it? No doubt at present the work of the police is heavy, but there is no reason why they should for all time to come be debarred from taking action under this clause. It is not only that the police shall complain, but that they may be authorised to take action if they think proper. In England, I believe, they have got power to take such steps and I feel that if the police here can take up cases of cheating and robbery, there is no reason why they also cannot take up cases of immoral traffic in women where the evil done to the society is thousand times greater than robbery. I, therefore, think

that this clause should be so amended as to empower the high police officer to lay complaint before a court. To avoid blackmail and corruption I suggest that this power should be given to high officers only who are expected to act with a due sense of regard for private rights. With these words I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: I rise to oppose this motion. If Mr. Bose will carefully study the Bill, he will find that there is ample opportunity given to the public to complain. Sub-section (4) (*b*) provides for prosecution at the instance of three or more persons occupying separate holdings and resident in the vicinity of the premises to which the complaint relates. It may be that everybody's business is nobody's business, but if you cannot find three people to prosecute in such a case, I think it is no business of the police either to do so. Lastly, the power of prosecution is given to a representative of the society recognised by the Local Government in this behalf. That is a sort of prosecution which will ordinarily take place, at the instance of the society established for the purpose of looking after this matter. After all, this is a matter which depends for success on the co-operation of the public. You cannot make the police effective if you have not got public opinion behind you. Therefore if the public opinion is not sufficiently strong even to attempt a prosecution under clauses (*b*) and (*c*), I do not think it is the business of the police to prosecute. I do not think Mr. Bose is right in saying that the police is altogether helpless in this matter. If this amendment is carried, the police will merely have the power to prosecute. But under clause 7 of the Bill if the Commissioner of Police or the Superintendent of Police receives information that any house, room or place is being used as a brothel or is used as, or for the purpose, aforesaid to the annoyance of the inhabitants of the vicinity, then the police can take executive action against the house and stop the use of the house as a nuisance. So the community is absolutely protected and the police has ample power to take action. It is not necessary to give the police further powers. Therefore, I do not think any useful purpose would be served by accepting the amendment.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to support this amendment for this reason that in very many cases the neighbours and other people fight shy of moving in such a matter. The police undoubtedly will move, as they do, at the instance of the neighbours and other members of the society. Of course we may criticise the police, but there is no better bulwark of society than an honest police. Mr. Bose has used the words "Assistant Commissioner of Police and Superintendent of Police" and he has given the reasons why he wants to vest them with larger powers. I think it will be a more practical step to vest these officers with the power to make complaints which

is not a large and drastic power after all. After the complaint is made, the court will act only on evidence and so there is no reason why the police should not be trusted to move into the matter. With these words I support the amendment.

Mr. NARENDRA KUMAR BASU: I rise to oppose this amendment. I am afraid I must repeat what I said a few quarters of an hour ago that amateur legislation in these matters is to be deprecated. Mr. Bose is a lawyer, but he has absolutely nothing to do with practical law. I must say in this country there is a proverb that one who loves the child more than the mother is a witch. This sudden love for the police and for the child of Mr. J. N. Basu is probably indicative of I will not say what. Mr. Bose thinks that by amending his amendment and vesting the Assistant Commissioner or the Superintendent of Police with the power of prosecution he will do away with the risk of police oppression. I submit, Sir, that if he so thinks, he is living in a fool's paradise, and I challenge him to come with me and go round and see that the Superintendent of Police has very much more to do than to look to these things, whether a brothel is kept or not. He must depend upon the reports of his subordinates in matters like these and I take it that if the Superintendent after inquiry finds that his subordinates are wrong, he may not start a prosecution, but it will certainly lay the door open to corruption. As has been pointed out by Dr. Naresh Chandra Sen Gupta, there is the municipality or the local body within the jurisdiction of which the premises may be situated and then there are three or more persons occupying separate premises in the vicinity; if all these people fail in their duties and fail to start a prosecution to remove a brothel, I do not see why we should bring in the police into the matter. This matter, as the Member-in-charge has informed the House, was very carefully considered by the Select Committee and there is no doubt about the concensus of opinion in the Select Committee that we ought to avoid the police as much as possible. Merely enhancing the rank of the policeman, is, I submit, no reply to the inherent objection to bringing in the police under this section. As has already been pointed out, the preventive power of the police is already there and they can take action under section 7. To allow the police to start prosecutions will, I am sure, leave the door open to any amount of corruption and any amount of bribery. I, therefore, oppose the amendment.

Babu KHETTER MOHAN RAY: Whatever may be the state of affairs in Calcutta with which I am not conversant, but so far as the *mufassal* is concerned, if the high police officers do not make any complaint, I think no complaint will at all be made in the *mufassal*. As far as I know, the municipality, the district board, and the union board

will move very slowly in the matter; they will have to pass a resolution and in pursuance of that resolution they will have to make a complaint. Otherwise the chairman of the district board or the president of the union board will not make any complaint. As regards the general public, we know they are very slow in making any complaint. It is only the police in the *mufassal* who will make complaints and specially when the complaints will be made by the Superintendent of Police, I do not think there will be any chance of corruption. He is a high police officer and we can rely upon him. With these words I support the amendment.

Mr. P. BANERJI: Sir, I rise to oppose the motion moved by Mr. S. M. Bose. I naturally expected that Mr. P. N. Guha would stand up to oppose this motion. But when I found that he did not do so, I thought it my duty to oppose it. Mr. Guha just now suggested to me that there was no apprehension of the police. I did not know then that Mr. S. M. Bose was serious in moving this motion. Therefore I request Mr. P. N. Guha to support me and oppose this motion. Some of the members speaking of their experience in the *mufassal* have suggested that whatever might be the position in Calcutta——

Adjournment.

[It being 7 p.m. of the clock,]

The Council was adjourned till 3 p.m. on Friday, the 31st March, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 31st March, 1933, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers, and 100 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Contribution from Provincial Revenue to the Jessore District Board.

*110. **Babu JITENDRA NATH ROY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the amount which has been received by the Jessore District Board as contribution from Provincial Revenue during the year 1932-33 under the following heads:—

(1) XIX—Education;
(2) XX—Medical; and
(3) XXV—Miscellaneous?

(*b*) Will the Hon'ble Minister be pleased to state whether these contributions are earmarked for expenditure on particular items?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are the items so earmarked;
(*ii*) what are the items on which those contributions have been spent in the past; and
(*iii*) what is the amount that has actually been spent up to date under those heads during the year upon those items?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy):

(*a*) (1) Rupees 77,386.
(2) Rupees 59,150-2.
(3) Rupees 41,822.

(*b*) Contributions under heads XIX and XX are earmarked.

(*c*) (*i*) They are given in the two statements laid on the table.

(*ii*) The district board reports that they have been spent for the purposes for which they were made.

(*iii*) The district board reports that as payments are made not only direct by the district board office but also through subordinate offices accurate figures for expenditure cannot now be furnished within a reasonable time even with unusual labour and cost.

Statement referred to in the reply to starred question No. 110 (c) (i) showing Government grants during 1932-33 under head XIX—Education.

	Object of each grant.	Amount. Rs.
1.	Enhancement of pay of teachers in Boys' Aided Primary Schools and Maktabs ...	20,604
2.	Supplementary ditto ...	26,140
3.	Enhancement of pay of the trained teachers in Boys' Aided Primary Schools and Maktabs by Re. 1 per mensem ..	1,322
4.	Girls' Aided Primary Schools and Maktabs	1,440
5.	Further enhancement of pay of teachers in Girls' Aided Primary Schools and Maktabs	1,440
6.	Additional ditto ...	580
7.	Further enhancement of pay of trained teachers in Boys' Primary Schools and Maktabs by Rs. 2 per mensem ...	6,552
8.	Maintenance of five Free Primary Schools and one Infant School for Boys in Jhikergacha thana under Mr. Biss's scheme ...	1,230
9.	Maintenance of Board-managed Primary Schools transferred in 1912-13 ...	2,904
10.	Maintenance of additional Primary Schools built in and after 1913-14 ...	1,200
11.	Maintenance of 50 per cent. higher grants to Maktabs ...	5,704
12.	Maintenance of Panchayati Union Schools built during 7 years ...	6,283
13.	Maintenance of repairs to Board Primary Schools ...	1,987
	Total ...	77,386

Statement showing Government grants during the year 1932-33 under XX—Medical.

	Object of each grant.		Amount.	
			Rs.	as.
1.	Rural Public Health Organisation	...	44,708	0
2.	Transferred Vaccination staff	...	1,519	10
3.	Free vaccination	...	2,150	0
4.	Anti-Kala-azar work	..	1,500	0
5.	Indigenous Dai training	...	380	0
6.	Anti-malarial work	...	3,000	0
7.	Pay of the 1st class Health Officer	..	1,892	8
8.	Thana and village dispensaries	...	4,000	0
	Total	...	59,150	2

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a fact that the accounts of district boards are audited year to year and the auditors check the expenditure?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes, Sir.

Settlement of khas mahal lands to Bhadralok youths.

***111. Mr. ANANDA MOHAN PODDAR:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the Government are at present providing *khas mahal* lands for cultivation to *bhadralok* youths?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a list of such youths, with the description of the lands and the terms on which they have been settled?

(*c*) Will the Hon'ble Member be pleased to state whether sufficient Government land is available in each district to provide for such unemployed youths?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state whether it is in the contemplation of the Government to provide land for cultivation, to a larger number of *bhadralok* youths?

(*e*) If the answer to (*c*) is in the negative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of procuring land from private individuals, where available, for the purpose?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Experiments are being tried in several places.

(*b*) Detailed information is not available.

Five *bhadralok* youths are trained annually at the Faridpur Agricultural Farm and after their training is completed, about 15 bighas of land are allotted to them for cultivation with their own hands. They will get *raiyatwari* settlement if they carry out the terms of their agreements. In Bakarganj some land has been settled with *bhadralok* under the Co-operative House Building Scheme on condition that they cultivate it themselves. In Noakhali about 1,360 acres of char lands were settled with three societies of *bhadralok* youths. Some of the allotments were cancelled as the lands were sublet to *bargadars*. In Nadia about 42 acres were settled with *bhadralok* agriculturists and in the 24-Parganas about 196 acres were settled with 15 *bhadraloks* under non-occupancy leases for six years.

(*c*) and (*e*) The sufficiency of Government land for the purpose indicated will depend on the number of applications from *bhadralok* youths who have been trained in agriculture or have at any rate actually worked for a definite period as agriculturists and whose real object is not to take land for the purpose of sub-letting. Past experience shows that the number of such *bhadralok* youths is strictly limited. The demand from bonâ-fide *bhadralok* agriculturists is so small that it is unnecessary to enquire from each district.

(*d*) Does not arise.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that 15 bighas of land for an average gentleman are absolutely inadequate for the maintenance of himself and family?

The Hon'ble Sir PROVASH CHUNDER MITTER: No.

Khan Bahadur Maulvi AZIZUL HAQUE: Was not this matter gone into by the Banking Enquiry Committee and they found that 15 bighas of land were insufficient?

The Hon'ble Sir PROVASH CHUNDER MITTER: The real trouble is not the amount of land, but that *bhadralok* youths are not willing to come forward in sufficient number to undergo the drudgery. If they do come forward, the matter of allotment may be considered afresh.

Maulvi SYED MAJID BAKSH: Does the Hon'ble Member disagree with the views of the Banking Inquiry Committee?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add to my answer.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member aware that it is said that three acres and a cow are sufficient for a man and his family? (Laughter.)

(No answer was given.)

Silk Weaving and Dyeing Institute of Berhampore.

*112. **Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that out of the teachers attached to the Silk Weaving and Dyeing Institute of Berhampore only three hold graded posts and the rest are on fixed salaries?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for this differential treatment?

(*c*) Are the Government considering the desirability of removing the legitimate grievances of the said teachers in respect of their pay?

(*d*) Is the Hon'ble Minister aware that even the menial servants of the institute are employed on a graded scale of pay?

SECRETARY to GOVERNMENT, AGRICULTURE and INDUSTRIES DEPARTMENT (Mr. L. R. Fawcus): (*a*) There are only three teachers all of whom hold graded posts. The Reeler, though designated Reeling Teacher, is merely a skilled workman and is on fixed pay.

(*b*) and (*c*) Do not arise.

(*d*) Yes.

Maulvi ABDUS SAMAD: Are there not three other teachers—one on Rs. 80, one on Rs. 50 and one on Rs. 40 who are on fixed pay?

Mr. L. R. FAWCUS: They are really artizans connected with the defunct factory which was attached to the school.

Maulvi ABDUS SAMAD: Is it not unfair that when menials are on graded pay, these teachers should be on fixed pay?

Mr. L. R. FAWCUS: Under Government rules menials are on graded pay. In the case of the artizan who has been taken on as a teacher in the school, it was decided by Government at the time that, having regard to his peculiar position, he should be on fixed pay.

Processes for the destruction of water-hyacinth.

*113. **Maulvi TAMIZUDDIN KHAN:** (*a*) With reference to the reply given to starred question No. 125 at the meeting of the Council held on the 15th December, 1932, will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the proposed demonstration of the processes said to have been discovered by Maulvi Syed Ashraful Hossain for the destruction of water-hyacinth has been held?

(*b*) If so, what is the result of the demonstration?

(*c*) What action, if any, do the Government propose to take in the matter?

(*d*) Have the Government any other scheme for the eradication of water-hyacinth?

Mr. L. R. FAWCUS: (*a*) Yes.

(*b*) and (*c*) It has been reported by the experts of the Agriculture Department that on actual test the chemical used by the inventor was found to be ineffective in killing water-hyacinth and the mechanical process was also found unsuitable for operation in shallow water where a great amount of the water-hyacinth plant is found. It is not possible therefore to take any action in the matter.

(*d*) The member is referred to the reply given to starred question No. 146 by Rai Sahib Akshay Kumar Sen on March 16th, 1931.

Maulvi SYED MAJID BAKSH: With regard to (*b*) and (*c*) was the conclusion arrived at as a result of experiment?

Mr. L. R. FAWCUS: Yes, by actual tests by two experts of the department.

Khan Bahadur Maulvi AZIZUL HAQUE: Has any step been taken by the department to improve the chemical as also the mechanical process?

Mr. L. R. FAWCUS: The Agricultural Engineer has come forward with a suggestion to improve them only within the last month. Government have had no time to consider his suggestion yet.

Manufacture of sugar.

*114. **Mr. S. M. BOSE:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that the Government of Bihar and Orissa is giving great encouragement to the manufacture of sugar in the province of Bihar; and

(*ii*) that sugarcane grown in Bengal is better suited for the manufacture of sugar than that grown in Bihar?

(*b*) What steps are the Government of Bengal taking to encourage the sugar industry in Bengal, beyond the supply of some improved varieties of sugarcane?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the number of sugar factories now existing in Bengal;

(*ii*) their annual yield; and

(*iii*) the quality of sugar produced by each factory?

Mr. L. R. FAWCUS: (*a*) (*i*) Yes.

(*ii*) The sugarcane grown on the silt soils of Bengal is reported to give a heavier yield of sugar than that grown in Bihar, and to contain a higher percentage of sucrose in the juice.

(*b*) The member is referred to leaflet No. 5 of 1932 issued by the Department of Agriculture, Bengal, on the subject which is placed on the library table. This department has designed and constructed several improved machines for the economical manufacture of high class sugar by the open pan system. This system is economical initially and is suitable for small capitalists and co-operative associations.

An important research inquiry into the cost of production of sugarcane with a view to elicit information as to the suitability of certain tracts in Bengal for the development of sugar industry will shortly be undertaken with financial assistance from the Imperial Council of Agricultural Research.

(*c*) (*i*), (*ii*) and (*iii*) There are no factories in Bengal at present making white sugar direct, but sugar is being manufactured from *gur* by the open pan system in several places in this province: no information is available in regard to their yield and its quality.

Khan Bahadur Maulvi AZIZUL HAQUE: With regard to answer (*b*) what district boards have been selected for this economic experiment?

Mr. L. R. FAWCUS: One area in Birbhum and another in Rajshahi and Bogra combined.

Khan Bahadur Maulvi AZIZUL HAQUE: Before these districts were selected were any inquiries made into the different districts of Bengal in order to find out the way the experiment could be held at the least cost?

Mr. L. R. FAWCUS: There was an inquiry made but it was necessarily a hurried inquiry—such inquiry as we could make under the circumstances.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a fact that the Imperial Council of Agricultural Research wrote to the Government about it and have not yet received a reply?

Mr. L. R. FAWCUS: That was before the introduction of the open-pan system—before these experiments were started.

Babu SATYA KINKAR SAHANA: Have the Government of Bengal received any financial assistance from the Imperial Agricultural Council of Research?

Mr. L. R. FAWCUS: We have certainly been promised it. I will not go so far as to say that we have actually received it.

Sugar cultivation in the Bankura district.

***115. Babu SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps have been taken by the Government to increase the acreage of sugar cultivation and the starting of sugar refineries in the district of Bankura?

(*b*) Is the Hon'ble Minister aware that the natural conditions of Bankura are somewhat similar to those of Bihar?

(*c*) Has any honorarium been paid, or promises held out of payment of honorariums, to cultivators of sugarcane or to sugar-refine industrialists as an encouragement?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state whether Government contemplate any such steps?

Mr. L. R. FAWCUS: (*a*) Co. 213 cuttings have for several years been sent out for demonstration. It has also been definitely proved that the medium terraced lands hitherto growing only *aman* paddy can give a good crop of Co. 213 cane, despite water-logging conditions. The starting of sugar refineries must depend on the initiative of private persons, though advice and assistance in this matter are given by the Agriculture Department. So far no private person appears to have taken up the matter.

(*b*) Yes, it is somewhat similar to parts of Bihar.

(*c*) No.

(*d*) No. The payment of such honoraria is not considered necessary.

Babu SATYA KINKAR SAHANA: Was the result of the demonstration of Co. 213 favourable in the district of Bankura?

Mr. L. R. FAWCUS: I must ask for notice.

Provincial Road Board.

*116. **Babu JITENDRALAL BANNERJEE:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to make a statement on the operations of the Provincial Road Board in Bengal, specially in respect of the following points—

(*i*) the schemes formulated by the Board;

(*ii*) what progress has been made in the execution of such schemes;

(*iii*) the money that has been received and spent on the recommendations of the Board; and

(*iv*) the total outturn of work on the Board's recommendations?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: A statement such as is suggested would be beyond the scope of a reply to a question. But a resolution on the subject will be published before long.

Cottage industries.

*117. **Rai Sahib AKSHOY KUMAR SEN:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) what amount was spent in the current year (up to February, 1933) for the maintenance of the staff regarding cottage industries;

(*b*) what amount was spent during the above period for purchase of tools and implements;

(*c*) what was the total allotment made in the current year's budget for the development of cottage industries?

Mr. L. R. FAWCUS: (*a*) It is not possible to furnish this information as no separate staff or organisation is maintained for helping cottage industries as distinct from other forms of industries.

(*b*) Rupees 1,897.

(*c*) Rupees 31,605.

Ensuing National Congress in Calcutta.

*118. **Mr. SHANTI SHEKHARESWAR RAY:** Will the Hon'ble Member in charge of the Political Department be pleased to state what orders, if any, the Government have issued in connection with the ensuing session of the Indian National Congress in Calcutta?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): The Reception Committee has been declared an unlawful association, and Chapters II and III of the Bengal Public Security Act have been extended to Calcutta and certain other areas in the province.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if any order has been issued prohibiting the session of the Indian National Congress in Calcutta?

The Hon'ble Mr. W. D. R. PRENTICE: No such order has been issued.

Mr. SHANTI SHEKHARESWAR RAY: Have the Government issued any orders for the arrest of persons coming to attend the Indian National Congress?

The Hon'ble Mr. W. D. R. PRENTICE: Powers have been given under Chapters II and III of the Bengal Public Security Act and these have been applied in certain cases.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to give us the number of arrests made in Calcutta yesterday and to-day in connection with the Congress?

The Hon'ble Mr. W. D. R. PRENTICE: About 500.

Babu JITENDRALAL BANNERJEE: Would it be correct to say that the Indian National Congress has not been declared an unlawful body?

The Hon'ble Mr. W. D. R. PRENTICE: Perfectly.

Babu JITENDRALAL BANNERJEE: Would it also be correct to say that the holding of the session of the Indian National Congress in itself is not an offence?

The Hon'ble Mr. W. D. R. PRENTICE: That is a matter of opinion.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether these arrests are being made for creating a sober atmosphere for the consideration of the White Paper?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid that was not the matter under consideration.

Mr. SHANTI SHEKHARESWAR RAY: Have the Government in their possession a list of members of the Reception Committee?

The Hon'ble Mr. W. D. R. PRENTICE: I think we have a certain amount of information.

Maulvi ABUL KASEM: Why were the arrests made on the 30th and not on the 29th?

(No reply was given.)

Imported salt in Bengal.

***119. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of Finance Department be pleased to state—

(i) what was the total amount of salt imported into Bengal during the year 1932 and what proportion of the same was Indian and what proportion foreign;

(ii) what proportion of the Indian import belongs to pure Indian concerns and what proportion to the Italian concern at Aden?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) what is the total amount so far credited to the Government of Bengal out of the extra duty levied under Act XIV of 1931;

(*ii*) how has the amount referred to in (*b*) (*i*) been utilised by the Government; and

(*iii*) has any portion of the same been utilised in revising or fostering the salt industry in Bengal? If not why not?

(*c*) Has any concern for salt manufacture been started in Bengal either with the patronage of the Government or independently?

(*d*) Was there any application made to Government for help either by individuals or by firms? If so, with what result?

(*e*) Are the Government considering the possibility of restarting indigenous salt manufacture in Bengal on a commercial scale?

(*f*) If not, what steps are the Government taking to get the extra impost abolished so far as Bengal is concerned?

(*g*) Are the Government considering the desirability of devoting the amount of salt duty assigned to Bengal for fostering other industries, or as State aid to industries under the State Aid to Industries Act, in case salt manufacture on a commercial scale is not considered to be possible in Bengal?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) (*i*) 15,720,799 maunds, of which 29 per cent. was foreign and 71 per cent. Indian, including Aden.

(*ii*) Figures are not available.

(*b*) (*i*) Rupees 8,95,700.

(*ii*) The amount has been credited to general revenues.

(*iii*) No. The reason was fully explained in my speech in the Council on the 16th instant.

(*c*) Six concerns have been given permits to manufacture salt as an experimental measure. None has received financial help from Government. It is understood that only one has started work.

(*d*) and (*e*) No.

(*f*) The local Government have made representations to the Government of India.

(*g*) As explained in answer to (*b*) (*iii*) of the question, the proceeds of the duty have been credited to general revenues and not earmarked for any specific purpose.

Babu SATISH CHANDRA RAY CHOWDHURY: Was any assurance given by the Government when the salt tax was imposed that the amount would be devoted to the development of industries in Bengal?

The Hon'ble Mr. J. A. WOODHEAD: Not as far as I am aware of.

Expenditure incurred on the Commissioners' Conference held in Darjeeling.

*120. **Mr. S. M. BOSE:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether any expenditure from the public revenue is incurred in connection with the holding of various Conferences (like the Commissioners' Conference) in Darjeeling during or near about the Pujah holidays?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what is the total amount of such expenditure (including that for travelling, halting and other allowances) during each of the years 1930-31, 1931-32 and 1932-33 so far as available;

(*ii*) the names of these Conferences;

(*iii*) the total amount spent for each of these Conferences during each of the above years; and

(*iv*) the object of these Conferences?

(*c*) What are the reasons for which these Conferences, when necessary, cannot be held—

(*i*) at any other time; or

(*ii*) at any other place?

(*d*) Are the Government considering the desirability of discontinuing these Conferences in the interest of economy?

The Hon'ble Mr. J. A. WOODHEAD: (*a*) Yes.

(*b*) (*i*) 1930-31—Rs. 2,597-9.

1931-32—Rs. 1,873-2-9.

1932-33—Rs. 1,493-1-6.

(*ii*) Commissioners' Conference and Conference of Settlement Officers.

(*iii*)

	Commissioners' Conference.	Conference of Settlement Officers.
	Rs. a.	Rs. a. p.
1930-31	599 0	1,998 9 0
1931-32	388 4	1,484 14 9
1932-33	258 7	1,234 10 6

(*iv*) The object of the Commissioners' Conferences is to enable Commissioners to discuss among themselves and with the Members of Government the various administrative and other problems that arise from time to time or that are referred by Government to the Conference for consideration and advice. Personal discussion has obvious advantages over correspondence and Government have long attached great importance to these Conferences.

The object of the Settlement Officers' Conferences is to review the work of the preceding field season and to frame budget estimates and programmes for the ensuing year on the basis of the experience of the last field season. Problems arising in connection with the work in the field season are also discussed in the Conference.

(*c*) (*i*) (*ii*) It would be possible to hold the Commissioners' Conferences at other times and other places, but the saving would be negligible, as wherever they were held there would be charges for travelling allowance and daily allowance. Experience has shown that a Conference in September or October causes least interference with a Commissioner's ordinary duties.

The Settlement Officers' Conference is held during the period between two field seasons and no other time is suitable.

The Conference could be held in Calcutta, but there would be no object in doing so when the Director of Land Records and Government are in Darjeeling and no expense would be saved by holding it in Calcutta.

(*d*) No.

Maulvi SYED MAJID BAKSH: Would it make any difference if the Conference is held in November—the Conference of the Commissioners and of settlement officers?

The Hon'ble Mr. J. A. WOODHEAD: It is the beginning of the working season so far as the Settlement Officers are concerned and less convenient so far as the Commissioners are concerned.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state the nature of the problems arising out of the field season?

The Hon'ble Mr. J. A. WOODHEAD: I cannot specify the problems, Sir, but I imagine that technical questions are always likely to arise.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a fact that those technical questions are decided by the Government of India, Survey Department?

The Hon'ble Mr. J. A. WOODHEAD: Not being a Settlement Officer myself I cannot answer the question.

Maulvi SYED MAJID BAKSH: If the Conference is held in Calcutta, cannot the Commissioners and the Settlement Officers come here?

The Hon'ble Mr. J. A. WOODHEAD: I have already said there will hardly be any saving if the Conference is held in Calcutta instead of at Darjeeling.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a fact that Darjeeling allowances are much more than Calcutta allowances?

The Hon'ble Mr. J. A. WOODHEAD: I believe, subject to correction, they are the same.

Non-Government colleges receiving grants-in-aid from Government.

***121. Babu NAGENDRA NARAYAN RAY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table the names of the non-Government colleges receiving grants-in-aid from the Government showing the amounts they have received for the last three years?

(*b*) Will the Hon'ble Minister be pleased to state whether there is any proposal to increase the amounts of tuition fees of such colleges so as to make them equivalent to those in force in the Presidency College?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state whether there is any proposal at all to increase the tuition fees of such colleges?

(*d*) If the answer to (*b*) or to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons for such increment; and

(*ii*) whether any opinion from the authorities of such colleges has been invited?

(*e*) If the answer to (*d*)(*ii*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the opinions received?

(*f*) Will the Hon'ble Minister be pleased to state the final decision of the Government in the matter?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) A statement is laid on the table.

(*b*), (*c*) and (*d*) There is no specific proposal before Government, but the two Universities and the College authorities have been asked for their opinions on the recommendations of the Retrenchment Committee in the matter of fees.

(*e*) and (*f*) The matter is still under consideration and no final decision has been reached. Government do not think that any useful purpose will be served by laying copies of the correspondence on the table, at any rate at this stage.

Statement referred to in the reply to starred question No. 121 (a).

List of non-Government Colleges receiving grants-in-aid from Government.

	Name of College.	Grant given in— 1929-30.	1930-31.	1931-32.
		Rs.	Rs.	Rs.
1.	St. Xavier's College, Calcutta	21,000	21,000	21,000
2.	Scottish Church College, Calcutta ..	24,000	24,000	24,000
3.	Wesleyan College, Bankura	14,208	14,208	14,208
4.	Daulatpur Hindu Academy, Khulna ..	9,600	9,600	9,600
5.	Midnapore College	10,248	10,248	8,760
6.	Victoria College, Narail, Jessore ..	3,660	3,660	3,000
7.	Serampore College	14,400	12,000	12,000
8.	St. Paul's C. M. College, Calcutta ..	13,800	13,800	13,800
9.	Ananda Mohan College, Mymensingh ..	10,200	10,200	10,200
10.	Victoria College, Comilla	6,000	6,000	6,000
11.	Edward College, Pabna	12,000	12,000	12,000
12.	Brojo Mohan College, Barisal	14,400	14,400	14,400
13.	Carmichael College, Rangpur	11,400	11,400	11,400
14.	Bagerhat College, Khulna	7,200	7,200	7,200
15.	Diocesan College for Girls, Calcutta ..	12,000	12,000	12,000
16.	Diocesan College Training Class	8,274	8,274	8,714
17.	Rajendra College, Faridpur	6,000	6,000	6,000
18.	Feni College, Noakhali	5,000	7,200	7,200
19.	Krishnath College, Berhampore	7,200	7,200	7,200
		(a)2,600		
20.	Jagannath Intermediate College, Dacca ..	48,072	42,072	42,072
21.	Imperial Salimullah Intermediate College, Dacca.	3,720	6,120	6,120
22.	Sirajganj Islamic Intermediate College ..	4,440	4,440	4,440
23.	Saadat College, Karatia	..	..	1,400

(a) For Commerce Department.

Reverend B. A. NAG: Will the Hon'ble Minister be pleased to state how is it that the grant to Serampore College has been reduced by Rs. 2,400, while most of the colleges have been receiving their grants as usual during the last three years?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Reverend B. A. NAG: The grant to the Imperial Salimullah Intermediate College, Dacca, has been increased by Rs. 2,400 within the last three years. Has it been so increased at the cost of the Serampore College?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Certainly not. That college has not been receiving any grant.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state why the Jagannath Intermediate College, Dacca, has been receiving such a big grant from Government?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is a semi-Government institution and the Government is responsible for its maintenance under an Act passed by the Legislative Council but the teachers in that college are not on the same scale of pay as Government servants.

Babu SATYA KINKAR SAHANA: If it is a semi-Government college why it has been put in the list of non-Government colleges.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Because it is still being administered on the basis of grant-in-aid.

Khan Bahadur Maulvi AZIZUL HAQUE: May I inquire why the Saadat College, Karatia, has been given only a grant of Rs. 1,400?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: So far they have refused to accept any grant from Government and only recently they have applied for a grant.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Minister be pleased to say whether under the Act referred to by him, the Jagannath College is not, as a matter of fact, a Government institution?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is practically a Government institution. There is no doubt about that.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Minister be pleased to state what facts, if any, were taken into consideration in determining these grants?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is impossible to say.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to say whether the college which recently applied for a grant has been given such a small amount.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Because at that time we had hardly any money to give them.

Tax collected under the Bengal Motor Vehicles Tax Act, 1932.

***122. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the amount that has been hitherto collected on account of the tax imposed under the Bengal Motor Vehicles Tax Act, 1932; and

(*ii*) the manner in which the amount has been disposed of?

(*b*) If the whole amount has not been disposed of as provided in the Act, what is the reason for the failure of the Government to do so?

(*c*) On what principle do the Government propose to make grants out of the proceeds of the tax in question to the various local bodies?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*) (*1*) In Calcutta up to March 20th, 1933—Rs. 9,86,000.

(*2*) Outside Calcutta up to the end of February, 1933—Rs. 3,10,507.

(*ii*) No amount has yet been spent.

(*b*) Government were awaiting the advice of the Road Board.

(*c*) On the principle explained in the reply to question 221(*c*)(*ii*) by Babu Satish Chandra Ray Chowdhury.

Reverend B. A. NAG: Will the Hon'ble Minister be pleased to state whether this large sum of Rs. 9,86,000 is responsible for wrong meters in the taxi cars?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It has nothing to do with taxi meters.

Allegations against the Inspector of Schools, Chittagong Division.

*123. **Babu. KHETTER MOHAN RAY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether the Director of Public Instruction, Bengal, received any representation from the Secretary, Jahapur K. K. Academy, in the district of Tippera, containing allegations against Sams-ul-Ulama Mr. Kamaluddin, late officiating Inspector of Schools, Chittagong Division; and

(*ii*) whether the Director of Public Instruction made any inquiry into those allegations and took any action?

(*b*) If no inquiry has been made as yet, are the Government considering the desirability of making an inquiry and communicating the results to the complainant?

(*c*) Will the Hon'ble Minister be pleased to state also—

(*i*) whether the Director of Public Instruction received similar other complaints against the said Inspector from some other schools of the Chittagong Division; and

(*ii*) whether the attention of the Director of Public Instruction has been drawn to the allegations published in the Teacher's Journal for August, 1932, at page 501?

(*d*) Will the Hon'ble Minister be pleased to state whether the Director of Public Instruction is contemplating an inquiry into the allegations referred to in (*c*) and taking necessary action?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) The Director of Public Instruction is inquiring into the matter.

(*b*) Does not arise.

(*c*) (*i*) Yes.

(*ii*) This matter came to the notice of the Director of Public Instruction.

(*d*) The Director has already made inquiries and found that the Inspector was justified in the action he took.

Babu KHETTER MOHAN RAY: With reference to (*a*) (*ii*), when is the Director likely to finish the inquiry?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Shortly.

Babu JITENDRALAL BANNERJEE: What is the nature of the allegation against the inspector referred to in (*a*) (*i*).

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The delay in sanctioning a grant.

Discontinuance of sending peripatetic lady needle teachers to primary schools.

***124. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the system of sending peripatetic lady needle teachers to primary girls' schools has been discontinued?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for such discontinuance?

(*c*) If the answer is in the negative, will the Hon'ble Minister be pleased to state the reason why such teachers have not visited the girls' schools in the district of Murshidabad for the last two years?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the dates on which the needle teachers visited and gave lessons in particular schools in the district of Murshidabad in 1931-32?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) The system has not been discontinued.

(*b*) Does not arise.

(*c*) The peripatetic needlework teacher for the Murshidabad district regularly visited the girls' schools in the district during the last two years.

(*d*) A statement is laid on the table.

Statement referred to in the reply to starred question No. 124 (d).

1931.

1. Lalbagh Girls' School, visited by the peripatetic needlework teacher from 2nd January, 1931 to 14th February, 1931 and from 19th November, 1931 to 23rd December, 1931.
2. Kandi M. C. Girls' School, visited by the peripatetic needlework teacher from 16th February, 1931 to 15th April, 1931.
3. Raghunathganj Girls' School, visited by the peripatetic needlework teacher from 17th April, 1931 to 12th May, 1931 and from 9th September, 1931 to 15th October, 1931.

4. Nimtita B. G. Girls' School, visited by the peripatetic needlework teacher from 22nd June, 1931 to 31st August, 1931.

1932.

1. Kandi M. C. Girls' School, visited by the peripatetic needlework teacher from 2nd January, 1932 to 15th February, 1932.
2. Bhagirathpur Girls' School, visited by the peripatetic needlework teacher from 17th February, 1932 to 15th April, 1932.
3. Lalbagh Girls' School, visited by the peripatetic needlework teacher from 7th April, 1932 to 14th May, 1932.
4. Nimtita B. G. Girls' School, visited by the peripatetic needlework teacher from 20th June, 1932 to 10th August, 1932.
5. Raghunathganj Girls' School, visited by the peripatetic needlework teacher from 12th August, 1932 to 3rd October, 1932.
6. Bagdanga Girls' School, visited by the peripatetic needlework teacher from 31st October, 1932 to 23rd December, 1932.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Minister be pleased to state the number of peripatetic lady needle teachers working for the last two years?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Mr. NARENDRA KUMAR BASU: How was it possible for this lady to be in Bhagirathpur and Lalbagh at the same time?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It may be that the schools are closely situated. But I am not sure and I want notice.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Minister aware that Bhagirathpur and Lalbagh are situated at a distance of 20 miles from each other.

Mr. PRESIDENT: He has already asked for notice.

Magrahat Sanitary Drainage scheme.

***125. MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the total amount of cost incurred for the Magrahat Sanitary Drainage scheme in the district of 24-Parganas;

(*ii*) the total amount recovered from landlords having interest in the scheme; and

(*iii*) the total amount still due from the landlords?

(*b*) Has the whole cost of the scheme been realised from the landlords?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state why further realisation of the Magrahat Sanitary Drainage cess has not been stopped?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) As reported by the Collector the figures are as follows:—

(*i*) Rs. 34,60,207-9-6.

(*ii*) Rs. 9,78,048-8-9.

(*iii*) Rs. 17,41,364-13-4.

(*b*) No.

(*c*) Does not arise.

Maulvi SYED MAJID BAKSH: With reference to answer (*b*), why this sum was not realised from the landlords?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I want notice.

Road Board.

*128. **Rai Bahadur SATYENDRA KUMAR DAS:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the total amount of money received during the year 1932 by the Provincial Road Board from the Central Road Board; and

(*ii*) the various amounts distributed for improvement of roads throughout the province with names of districts, roads with mileage and the names of agencies through which the moneys have been allotted?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*i*) Rs. 13,79,053 in 1931-32.

(*ii*) A statement is laid on the table.

Statement referred to in the reply to starred question No. 126 (ii).

Serial No	Name of project	District.	Length in mile taken up under 5 years' programme	Actual outlay to end of 1931-32	Approximate outlay during 1932-33	Agency through which money has been allotted
1	2	3	4	5	6	7
			M F Ft	Rs	Rs	
1	Calcutta-Jessore Road	24-Parganas	11½ 0 0	3,18,589	1,00,000	P. W. D
2	Diamond Harbour Road	Ditto	25 1549	4,44,845	1,76,000	P. W. D
3	Grand Trunk Road	Howrah, Hooghly and Burdwan	34 0 0	6,42,070	2,28,593	P. W. D
4	Tangail-Mymensingh Road	Mymensingh	13 0 0		10,000	Mymensingh district board.
5	Dacca-Narayanganj Road	Dacca	9 0 0	..	50,000	Dacca district board, Dacca Municipality and Narayanganj Municipality
6	Mainamati-Barkanta-Comilla Road.	Tippera	9 0 0	1,30,000	1,05,000	P. W. D.
7	Magura-Jhenidah-Chuadanga Road.	Jessore	7½ 0 0	.	75,000	Jessore district board
8	Pabna-Ishurdi Road	Pabna	17 0 0	2,125	6,199	P. W. D. and Pabna district board for land acquisition only.
9	Ghosepara Road ..	24-Parganas	15 6 0	.	1,00,000	P. W. D.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Minister be pleased to state the amount allotted to the Narayanganj Municipality for the Narayanganj portion of the Dacca-Narayanganj route?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I want notice.

Appointments to the Bengal Civil Service Executive.

***127. Rai Sahib SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state the names of persons appointed to the Bengal Civil Service Executive (junior and senior) in the years 1930 to 1932?

(*b*) Will the Hon'ble Member be pleased to state the names and caste of such persons belonging to the minority community and backward classes of Bengal?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) and (*b*) Government are not prepared to give the names of such persons, but a statement showing the numbers only of persons appointed direct is laid on the table.

Statement referred to in the reply to starred question No. 127 (a) and (b).

The statement below has been compiled from the Bengal Half-yearly Civil List for January, 1933:—

(*a*) Bengal Civil Service—

1930—9.

1931—6.

1932—6.

Bengal Junior Civil Service—

1930—23.

1931—10.

1932—Nil.

(*b*) Bengal Civil Service—

1930—2 (one Namasudra and another Satchasi).

1931 Nil.

1932—Nil.

Bengal Junior Civil Service—

1930—1 (Sunri).

1931 1 (Christian).

1932 Nil.

Rai Sahib SARAT CHANDRA BAL: Will the Hon'ble Member be pleased to state how many candidates belonging to the backward classes passed in the year 1930-31 and 1932 for the Civil Service?

The Hon'ble Mr. W. D. R. PRENTICE: I have got the figures of 1932: Only two candidates were qualified.

Rai Sahib SARAT CHANDRA BAL: How many were appointed?

The Hon'ble Mr. W. D. R. PRENTICE: None.

Rai Sahib SARAT CHANDRA BAL: Is it not a fact that there is a provision for the appointment of backward class candidates?

The Hon'ble Mr. W. D. R. PRENTICE: One of the backward class candidates was a Christian and came below 17 in the Hindu list and the other was a Coomar who came below 45. So, it was obviously impossible to appoint either.

Rai Sahib SARAT CHANDRA BAL: How many candidates were appointed in 1930?

The Hon'ble Mr. W. D. R. PRENTICE: Surely, the answer is given in the statement.

Rai Sahib SARAT CHANDRA BAL: Are not the claims of the backward class communities quite separate from the claims of the minority communities?

The Hon'ble Mr. W. D. R. PRENTICE: The rules refer to minority communities and backward classes. It is the same rule.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Opening up of the Lock Gate Road for vehicular traffic from Cossipore Bridge to Barrackpore Trunk Road.

87. Mr. A. R. E. LOCKHART: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state—

(*i*) whether Government are aware that as long ago as July, 1926, in accordance with the arrangements of the Public Works Conference, representatives of the Public Works Department and the Eastern Bengal Railway met and agreed to the opening up of Lock Gate Road for vehicular traffic from Cossipore Bridge to the Barrackpore Trunk Road;

(*ii*) whether in order to relieve the present congestion in the approaches to the Barrackpore Trunk Road, Government are considering to take steps to see that this work is taken in hand without delay?

(*b*) If so, is the Hon'ble Minister in a position to name a date by which the work will be started?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): (*a*) (*i*) It is true that in 1926 the Public Works Conference expressed an opinion that when Central Avenue had been extended up to Chitpore and when the Chitpore Bridge had been reconstructed then the easiest and best access to Barrackpore Trunk Road would be by opening up the Lock Gate Road. It is not, however, correct to say that the Eastern Bengal Railway and the Public Works Department agreed to the opening up of the Lock Gate Road for vehicular traffic.

(*ii*) It is unlikely that Central Avenue will be extended up to Chitpore for some years to come, and Government do not propose to take any steps at the present time to open out the Lock Gate Road to vehicular traffic.

(*b*) Government are not in a position to name a date by which the work will be started.

Enforcement of the Bengal Public Security Act.

88. Maulvi ABDUL HAKIM: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Bengal Public Security Act, 1932, has been enforced in certain localities in the Province?

(*b*) If so, in what localities and for what reasons respectively?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes

(*b*) The Hon'ble Member is referred to Notifications Nos. 1571P., dated 16th February, 1933, 1891P., dated 23rd February, 1933, 3475P. and 3479P., dated 25th March, 1933. The reason for this action in the first two cases was that Government were satisfied that the civil disobedience movement still persisted in certain parts of Midnapore district and in the Arambagh subdivision of Hooghly. In the other cases, the extension of the Act was called for in view of preparations for the holding of the Congress Session.

Maulvi ABDUL HAKIM: Will the Hon'ble Member be pleased to indicate the nature of the civil disobedience movement which persisted in certain parts of Midnapore and Hooghly?

The Hon'ble Mr. W. D. R. PRENTICE: Refusal to pay taxes and no-rent campaign.

Krishak movement at Noakhali.

89. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state

whether it is a fact that several cases have been instituted and representations submitted to the District Magistrate of Noakhali in connection with the present *krishak* movement? If so, with what result?

(*b*) Will the Hon'ble Member be pleased to state the result of inquiry, if any?

(*c*) Is the Hon'ble Member aware that the number of police cases has abnormally increased in the Begamganj, Ramganj and Lakhipur police-stations in the said district? If so, why?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Member be pleased to lay on the table a statement showing figures for the last three years from 1930 to the current year, up to 31st January, 1933?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) and (*b*) Six cases were instituted which were alleged to be connected with the *krishak* movement of which four have been disposed of. The District Magistrate reports that none of these four cases was connected with the movement. Two cases are pending. The District Magistrate is satisfied that the movement exists in only a few thanas and that even in these it is not widespread, only a few *samitis* having been formed whose main object is to start *dharmagolas*.

(*c*) There has been an increase in police cases in the area referred to. It is attributed to economic distress and the general spirit of lawlessness engendered by the movements subversive of Government. More cases also have been reported owing to better co-operation between union board presidents and the police.

(*d*) Does not arise.

Maulvi SYED MAJID BAKSH: How is the *krishak* movement—a movement subversive of Government?

The Hon'ble Mr. W. D. R. PRENTICE: My answer only refers to the civil disobedience movement and the general disturbance abroad.

Maulvi SYED MAJID BAKSH: What is the nature of the activities engendered by these movements?

The Hon'ble Mr. W. D. R. PRENTICE: The answer is given at the end of (*a*) and (*b*).

Maulvi SYED MAJID BAKSH: How is the starting of a *dharmagola* dangerous and lawless?

The Hon'ble Mr. W. D. R. PRENTICE: It is no where stated that the starting of *dharmagola* is a lawless movement.

Establishment of a municipality at Tarkeswar.

90. MUNINDRA DEB RAI MAHASAI: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that Tarkeswar is a place of pilgrimage for the Hindus?

(*b*) Is it a fact that the above place is visited by a large number of Hindu pilgrims from various provinces throughout the year?

(*c*) Is it also a fact that much inconvenience is felt by the pilgrims and the permanent residents of Tarkeswar in the absence of sufficient lighting arrangement?

(*d*) Is it also a fact that the place being a business centre is in a flourishing condition?

(*e*) Is it a fact that in the absence of permanent latrines, urinals and sanitary method of drainage the place is visited by cholera and other epidemic diseases?

(*f*) If the answer to (*e*) is in the affirmative, are the Government considering the desirability of establishing a municipality at Tarkeswar both in the interest of the local people as also of the pilgrims?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) and (*b*) Yes.

(*c*) No. Temporary lighting is provided at *mela* times.

(*d*) Yes.

(*e*) No. There are permanent latrines and a pipe water-supply. Special arrangements are made at *mela* times by the district board and the shrine authorities and these have been adequate. There has been no epidemic in the locality for some years.

(*f*) No. The place is unsuitable for a municipality and would not satisfy the requirements of sub-section (*1*) of the proviso to section 6 of the Bengal Municipal Act XV of 1932. Moreover, the economic condition of the local people would not justify the increase in taxation which would be necessary in a municipality.

Mr. P. BANERJI: Does the Hon'ble Minister consider it necessary for starting a municipality at Tarkeswar which is in a flourishing condition?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Wherever business flourishes, it is no justification for starting a municipality there.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Minister considering the desirability of starting a separate union board at Tarkeswar?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes, Government will be glad to consider the matter.

Babu JITENDRALAL BANNERJEE: In view of the fact that a large number of pilgrims visit Tarkeswar in non-*mela* days, are the Government considering to provide for lighting even in such days?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: That is not the concern of Government. The responsibility lies with the district board.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Minister be pleased to state in what respect Tarkeswar does not conform to section 6 of the Bengal Municipal Act?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: With respect to total population and the density of population.

Road cess.

91. Babu SUK LAL NAG: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether, in any other province in British India, any impost like the road cess is in force?

(*b*) Will the Hon'ble Member be pleased to state the reasons why agricultural "holdings," as defined in the Bengal Tenancy Act, are classed as "tenures" under the Road Cess Act, if any portion of the land is sublet to "under-*raiyats*"?

(*c*) Will the Hon'ble Member be pleased to state whether Government intend to revise the rules under the Cess Act to exempt such "cess tenures" from being classified as such?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) Holdings of *raiyats* under the Bengal Tenancy Act if wholly or partly sublet may be treated as cess tenures because cess is calculated on the annual value of land which according to the Cess Act is to be determined according to the rent payable by actual cultivators, also because of the difference in the definitions of "tenure holder" and "*raiyat*" in the Bengal Tenancy Act as compared with the definitions of "cultivating *raiyat*" and "tenure" in the Cess Act.

(*c*) Instructions have been issued by the Board of Revenue to the effect that when a *raiyati* holding is partly sublet it should not be treated as a cess tenure unless certain conditions are fulfilled.

Nomination of Maulvi Muhammad Shafi as a Councillor of the Calcutta Corporation.

92. Maulvi ABUL KASEM: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that Maulvi Muhammad Shafaudin, Assistant Teacher of the Anglo-Persian Department, Calcutta Madrasah, has got himself nominated for election as a Councillor of the Calcutta Corporation?

(*b*) Is it a fact that the said maulvi is contesting the election on a Congress ticket?

(*c*) Will the Hon'ble Member be pleased to state whether a Government servant can stand for election to the Calcutta Corporation on a Congress ticket without infringing the provisions of the Government Servants' Conduct Rules?

(*d*) Is it also a fact that Muhammad Moslem, a student of the 4th year class, Islamia College, who was granted a free studentship, has got himself nominated for election as a Councillor of the Calcutta Corporation?

(*e*) Is it a fact that the said Muhammad Moslem seeks election on a Congress ticket.

(*f*) Will the Hon'ble Minister be pleased to state whether a free scholarship-holder in a Government college can stand for election to the Calcutta Corporation on a Congress ticket without being liable to have such free scholarship forfeited?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) It is presumed that the question refers to Maulvi Muhammad Shafi, who was nominated for election as a Councillor of the Corporation of Calcutta but has since withdrawn his candidature

(*b*) and (*c*) Do not arise

(*d*) Muhammad Moslem was a student of the 4th year class, Islamia College, during the session 1930-31, but was not in enjoyment of a free-studentship. He has since left the college.

(*e*) and (*f*) Do not arise.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether Government servants can contest a municipal seat?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes, he can with permission.

Students of the Bengal Veterinary College.

93. Babu KISHORI MOHAN CHAUDHURI: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing for the period from 1926 to 1932—

(*i*) the number of students that have passed out from the Bengal Veterinary College;

(*ii*) the number of students that have been provided with Government or private employment; and

(*iii*) the number of students that are out of employment?

(*b*) What prospects are there, besides service, for the veterinary doctors?

(*c*) Are the agents of the C. S. P. C. A., Calcutta, duly qualified doctors? If not, why not?

(*d*) What are the scales of pay and prospects of the agents of the C. S. P. C. A.?

(*e*) Are they on the same level with the veterinary assistant surgeons employed in the districts?

(*f*) Do the C. S. P. C. A. advertise the vacancies in the dailies?

(*g*) Is the Hon'ble Minister aware that there is a subsidy for the maintenance of the Association from the Government?

(*h*) Are the Government considering the desirability of asking the authorities of the C. S. P. C. A. to employ qualified veterinary doctors recommended by the Veterinary Adviser to the Government of Bengal?

(*i*) Are the Government considering the desirability of making necessary arrangements in the Bengal Veterinary College for training students about dairying, animal husbandry and cattle breeding?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: (*a*) (*i*), (*ii*) and (*iii*) A statement is laid on the library table. The figures relate to Bengali students.

(*b*) Apart from service there is little prospect of private practice for veterinary surgeons except in Calcutta.

(*c*) Only a few have veterinary qualifications. It is reported that the majority of the veterinary graduates dislike working as agents whose duties are chiefly to detect animal cruelty cases on the streets and to prosecute the offenders.

(*d*) Rs. 45, Rs. 55 and Rs. 65 per mensem with a cycle allowance of Rs. 5 per mensem. Three veterinary officers who are in the grade of agents are given an allowance of Rs. 20 per mensem.

(*e*) No.

(*f*) Government have no information.

(*g*) Yes.

(*h*) Government addressed the Society on this subject some time ago.

(*i*) Arrangements exist for extension lectures on elementary animal husbandry subjects such as dairying, cattle-breeding, milk and meat inspection, poultry farming and fodder cultivation at the College.

Statement referred to in the answer to unstarred question No. 93 (a).

For the period from 1926 to 1932.

(1) Number of students that have passed out from the Bengal Veterinary College—58.

(2) Number of students that have been provided with Government or private employment—53.

(3) Number of students that are out of employment—5.

Concessions to the holders of Sunderban grants.

84. Rai Bahadur JOGESH CHANDRA SEN: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) what concessions have been granted to the holders of Sunderban grants in connection with the renewal of leases held under the rules of 1853 and 1878 (99 and 40 years' leases);

(*ii*) whether the memorial of the Sunderban Landholders' Association regarding the terms and conditions of the new leases is under further consideration?

(*b*) Will the Hon'ble Member be pleased to state whether Government intend taking *khas* possession of the Sunderban lands?

(*c*) What is the income from the Sunderban *khas mahals* in—

(*1*) the 24-Parganas,

(*2*) Khulna,

(*3*) Bakarganj,

and what is the expenditure under the heads—

(*1*) establishment, and

(*2*) maintenance of embankment every year in each district for the last five years?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) In the case of leases under the rules of 1853 which are under resettlement the period of settlement has been fixed at 30 years with a revenue of one-third of the gross assets of the three-fourths area of the estate and on resettlement the maximum will be forty-five per cent. In the case of the leases under the rules of 1879 the period of settlement has been fixed at 30 years, with a revenue not exceeding the gross assets of the three-fourths area less thirty-five per cent. and an embankment allowance of not less than five per cent. or more than fifteen per cent.

(*ii*) Yes.

(*b*) No.

(*c*) Complete figures are not readily available. A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 94 (c), showing the receipts and expenditure on account of the khas mahal estates in the 24-Parganas-Sunderban (Colonisation area).

Year.	Receipts (excluding initial salami).	Establishment, including contingencies.	Maintenance of embankment.
	Rs.	Rs.	Rs.
1927-28	54,017	12,202	2,180
1928-29 ..	47,709	13,378	1,122
1929-30 ..	44,835	12,457	1,203
1930-31	69,337	14,556	4,696
1931-32 ..	59,157	14,354	6,970

Khas mahal estates in Bakarganj-Sunderban (Colonisation area).

(Separate figures for other Sunderban *khas mahals* in Bakarganj are not available.)

Year.	Income.	Establishment.	Maintenance of embankment.
	Rs.	Rs.	
1927-28 ..	2,31,060	8,367	Expenditure has been incurred on construction and maintenance of embankments, but separate figures for maintenance are not available.
1928-29 ..	2,38,963	7,819	
1929-30 ..	2,20,469	8,371	
1930-31 ..	1,26,332	8,235	
1931-32 ..	1,76,716	9,413	

Khas mahal estate in Khulna-Sunderban.

The collections from these estates amount to Rs. 14,972 at present. No separate establishment is maintained. Nothing has been spent on maintenance of embankment during the last five years.

Opening of a foreign liquor shop at 24, Circular Garden Reach Road, Kidderpore.

95. Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether the Excise Department is shortly going to open a foreign liquor shop at 24, Circular Garden Reach Road, Kidderpore;

(*ii*) whether the Commissioner of Police, Calcutta, has written to the Collector of Excise, Calcutta, declaring the aforesaid site to be wholly unsuitable for a liquor shop and adding that the opening of such a shop at the said site may lead to a serious breach of public peace;

(*iii*) whether it is a fact that the Collector of Excise, Calcutta, is adamant in opening the liquor shop at the said site in supreme disregard of such strong police objection;

(*iv*) whether the Government still adhere to their declared policy that too many liquor shops at the same locality should not be permitted and that it is intended to derive maximum revenue with minimum consumption; and

(*v*) whether it is a fact that there exists nearly seven liquor shops within a radius of half a mile from the said site No. 24, Circular Garden Reach Road, Kidderpore, where it is contemplated to open the aforesaid liquor shop?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*i*) and (*ii*) The Licensing Board recommended the opening of a shop at the site. But the Commissioner of Police, Calcutta, has refused to grant the necessary Police Certificate. So the shop has not been opened.

(*iii*) No.

(*iv*) Yes.

(*v*) There are eight liquor shops within half a mile of the proposed site at 24, Circular Garden Reach Road, as detailed below:—

2 Foreign liquor "off" shops.

1 Foreign liquor "on" shop.

1 Country spirit "on" shop.

1 Country spirit "off" shop.

3 Tari shops.

Discontinuance of the allowance to the wife of détenu Mr. Pradyot Chandra Ghosh.

96. Dr. NARESH CHANDRA SEN CUPTA: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the maintenance allowance of Sm. Parulbala Ghosh, wife of Mr. Pradyot Chandra Ghosh, a detenu, has been stopped?

(*b*) If the answer to (*a*) is in the affirmative, is it a fact that the allowance was stopped on account of the conviction and sentence of imprisonment passed on the aforesaid Pradyot Chandra Ghosh by the Subdivisional Officer of Dinajpur for alleged breach of the internment order and violation of the conditions of internment?

(*c*) Is it a fact that the conviction of and sentence on the aforesaid Pradyot Chandra Ghosh was set aside by the Sessions Judge of Dinajpur on appeal?

(*d*) Is it also a fact that that learned Judge found in his judgment that, although the accused was charged for going beyond the limits within which he was directed to keep, the exact limit was not definite, and the accused had never been shown exactly where the limit lay?

(*e*) Is it a fact that, even after the setting aside of the conviction and sentence on the aforesaid détenu, the allowance to his wife has not been restored? If so, why?

(*f*) Has the aforesaid Parulbala Ghosh submitted a memorial for the restoration of her allowance?

(*g*) If the answer to (*f*) is in the affirmative, what action has been taken on her memorial?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) It was stopped during the period between the date of her husband's conviction and his release from jail.

(*b*) and (*c*) Yes.

(*d*) His finding was "In the present case I find there is nothing on the record to show that the limits were pointed out to the accused, and the description of the limits in the Government order itself is indefinite."

(*e*) No.

(*f*) No such memorial has been received from the lady.

(*g*) Does not arise.

Dr. NARESH CHANDRA SEN CUPTA: Do I understand that the allowance has been restored to the lady?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Howrah-Uluberia road.

97. Maulvi AZIZUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the Howrah-Uluberia (via Andul) road which meets the Cuttack road at Uluberia is in a very dilapidated condition;

(*ii*) that a memorial signed by the respectable citizens of Howrah and Andul was submitted to the president of the road board about a year ago through the chairman of the district board of Howrah;

(*iii*) that great inconvenience is felt by the people of the locality, particularly in the rainy season?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of repairing the road?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) A memorial containing representations as to the state of the road was received in January, 1932.

(*iii*) Government have had no complaint other than that contained in the memorial.

(*b*) Not at present.

Collection under the Motor Vehicles Tax during the year 1932-33.

98. Rai Bahadur JOGESH CHANDRA SEN: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) what amount was collected as motor vehicles tax during the year 1932-33;

(*b*) what were the collection charges;

(*c*) what portion, if any, of this tax is going to be allotted to the district board of 24-Parganas; and

(*d*) the time when the amount is likely to be paid?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) The member is referred to the reply given to question 221(*a*) by Babu Satish Chandra Hay Chowdhury.

(*b*) These have not yet been ascertained.

(*c*) The share to be allotted to the district board, 24-Parganas, has not yet been calculated.

(*d*) As soon as the amount available for distribution, the proportions to be allotted to district boards and to municipalities, respectively, and the share to be allotted to the individual district boards and municipalities can be calculated.

Ministerial officers in the Presidency College.

99. Mr. A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the present number of permanent assistants in the office of the Principal, Presidency College, apart from the Library and Laboratory staff; and

(*ii*) how many of these assistants are Muslims?

(*b*) Is the Hon'ble Minister considering the desirability of giving effect to the recommendations of the Bengal Retrenchment Committee in so far as ministerial posts in the Presidency College are concerned?

(*c*) Is the Hon'ble Minister aware that in determining the number of ministerial staff of any office subordinate to the office of the Director of Public Instruction, Bengal, the guiding principle is that each clerk has got to deal with four thousand letters per year?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the above principle has been followed in effecting retrenchment in the office of the Principal, Presidency College?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*)(*i*) Ten.

(*ii*) One.

(*b*) Yes.

(*c*), (*d*) and (*e*) 4,500 letters per clerk was laid down as the standard in the offices of Inspectors of Schools. No definite standard has been laid down for other offices but each office has to be considered on its merits.

Improvement of sericulture.

100. Rai Bahadur JOGESH CHANDRA SEN: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether any inquiry has been made into the

question as to whether there is any prospect of sericulture being profitably taken up as a profession in Bengal?

(*b*) Are there any arrangements for the study of this subject in Bengal or anywhere else in India?

(*c*) Will the Hon'ble Minister be pleased to state—

(*1*) what is the establishment charge of the Agriculture Department;

(*2*) how much of it is spent on—

(*i*) farms;

(*ii*) agricultural education;

(*iii*) propaganda work;

(*iv*) demonstration; and

(*v*) exhibition?

(*d*) Are the Government considering the desirability of enlarging the department and allotting further sums to be spent on it?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: (*a*) Yes. The Sericulture Department makes inquiries into the improvement and economics of sericulture.

(*b*) Yes. Schools at Pinsbari and Berhampore train boys to take up sericulture as a profession.

(*c*)(*1*) Rs. 10,67,222 (average of last three years).

(*2*)(*i*) Rs. 2,24,253, (*ii*) Rs. 28,252, (*iii*) and (*iv*) Rs. 3,57,682, and (*v*) Rs. 2,900.

(*d*) The present financial position precludes any such consideration; in fact it has been found necessary to effect retrenchments.

Reduction in the excise duty on country spirit.

101. Mr. H. R. NORTON: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the Government of the United Provinces having reduced the excise duty on country spirit by approximately 28 per cent. as from the 1st May, 1932, has found it possible in the following six months to show an increase in total duty collected amounting to 24 per cent.; and

(*ii*) that the Government of the Central Provinces, having reduced the excise duty on country spirit by approximately 25 per cent. as from the 1st January, 1933, has found it possible to increase the issue strength of liquor from 65 U. P. to 60

U. P. and still anticipates an increase of over 50 per cent. in revenue collected, as compared with the revenue for the corresponding period last year?

(*b*) Will the Hon'ble Minister be pleased to state whether these figures indicate that the practice of illicit distillation is being profitably and successfully dealt with by the reductions in excise duty quoted in the provinces concerned?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of lowering the excise duty on country spirit in Bengal at an early date?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*) It is a fact that the Government of the United Provinces have reduced duty on country spirit by approximately 28 per cent. with effect from 1st May, 1932. This Government understands that there has been an increase in duty collected but is not in a position to state the actual figure.

(*ii*) This Government have no information in the matter.

(*b*) Even if the figures are correct it cannot be said that the practice of illicit distillation can be successfully dealt with merely by reducing the duty on country spirit. The price of a quart bottle of 25° U. P. liquor in Calcutta is Rs. 3-1-3 while illicit liquor of nearly the same strength is being sold at Re. 1-4 or less, the cost of production being only 4 as. or 6 as. per bottle.

(*c*) Government have had this question under consideration.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is it not a fact that the reduction in the excise duty on country spirit will increase the consumption of liquor?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It may increase the consumption of licit liquor.

Medical school at Barisal.

102. Mr. P. N. GUHA: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the idea of starting a medical school at Barisal has been given up?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a comprehensive statement regarding the project from its very inception up to the time when the decision of abandoning it was taken?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) No. But a resolution on the subject will be published shortly.

Process-servers.

103. Maulvi HASSAN ALI: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the years 1930, 1931 and 1932—

(*i*) the amount of money realised from fines imposed on the process-servers of the criminal courts in Dinajpur, Mymensingh and Rangpur;

(*ii*) the amount of money spent in each of the said districts in meeting the payments of rewards to the process-servers;

(*iii*) the amount spent in maintaining the Certificate Officers' camps in the said districts; and

(*iv*) what would have been the approximate costs of the execution of the warrants (certificates) by the process-servers of the camp officers themselves?

(*b*) Will the Hon'ble Member be pleased to state whether it is a fact that all officers except the process-servers get mileage and halting allowances while working in the Certificate Officers' camps?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) to (*iii*) A statement is laid on the table.

(*iv*) As the meaning of the question is not clear it has not been possible to make an estimate.

(*b*) Yes. The process-servers only get the actual railway or steamer fare of the lowest class of accommodation without any daily or halting allowance.

Statement referred to in reply to unstarred question No. 103 (a) (i) to (iii).

(*i*) The amount of money realised from fines imposed on the process-servers of the criminal courts in Dinajpur, Mymensingh and Rangpur—

	1930.	1931.	1932.
	Rs. as.	Rs. as.	Rs. as.
Dinajpur	89 12	100 6	130 8
Mymensingh	537 13	1,104 12	970 9
Rangpur	168 6	209 0	132 4

(*ii*) The amount of money spent in each of the said districts in meeting the payments of rewards to the process-servers—

	Rs. as.	Rs. as.	Rs. as.
Dinajpur	38 4	56 4	116 0
Mymensingh	321 12	609 12	718 6
Rangpur	37 13	73 8	73 12

(*iii*) The amount spent in maintaining the Certificate Officers' camps in the said districts—

Dinajpur	(There was no certificate officer's camp during the years in question.)	
Mymensingh	(Rupees 104 was spent for collection in *mufassal*.)	
	Rs. as.	Rs. as.
Rangpur	Nil	282 0 2,350 0

Process servers.

104. Maulvi SYED MAJID BAKSH: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the years 1930, 1931 and 1932—

(*i*) the amount of money realised from fines imposed on the process-servers of the criminal courts in Dinajpur, Mymensingh and Rangpur;

(*ii*) the amount of money spent in each of the said districts in meeting the payments of rewards to the process-servers;

(*iii*) the amount spent in maintaining the Certificate Officers' camps in the said districts; and

(*iv*) what would have been the approximate cost of the execution of the warrants (certificates) by the process-servers of the camp officers themselves?

(*b*) Will the Hon'ble Member be pleased to state whether it is a fact that all officers except the process-servers get mileage and halting allowances while working in the Certificate Officers' camps?

The Hon'ble Sir PROVASH CHUNDER MITTER: The member is requested to refer to the reply given to unstarred question No. 103 asked by Maulvi Hassan Ali on the same subject.

Appointment in the Bengal Civil Service.

105. Mr. SAILESWAR SINGH ROY: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Government intend to make any appointment in the Bengal Civil Service this year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the appointments will be made by direct recruitment or by promotion?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) Does not arise.

LEGISLATIVE BUSINESS

NON-OFFICIAL MEMBER'S BILL.

The Bengal Suppression of Immoral Traffic Bill, 1932.

Clause 4.

Mr. P. BANERJI: Last night Mr. Bose moved a motion seeking to introduce a new clause (*d*), namely, a police officer not below the rank of Superintendent of Police. It should be an eye-opener to Mr. Bose that even Mr. P. N. Guha, who is always a champion of the police, is prepared to oppose the motion; he told me so last evening. I was surprised to see Mr. S. C. Ray Chowdhury among the supporters of this motion. On many occasions in this House I find him always criticising the police, but I am surprised to find him now coming forward and defending the police. He said if there are honest police there would be no difficulty in working this Bill. Mr. Ray Chowdhury often says that it is very difficult to find a single honest man among the members of the police. When I suggested at the beginning the recommittal of this Bill, I pointed out that it should not be left to the free handling of the police. The next speaker, Mr. Khetter Mohan Ray, an experienced man who claims to be very experienced in matters relating to local bodies, and connected with district boards and municipalities, is of opinion that these bodies are very dilatory. I must tell him he should examine the state of affairs now carefully with the introduction of non-official chairmen in local bodies after the introduction of the Reforms. Mr. Ray was talking of things in his time when things were no doubt done in a very dilatory manner, but now the elected representatives of the people on district boards, municipalities, local boards and union boards have been given power, why is the introduction of a police officer necessary? I consider this is an insult to the local institutions and an insult to democracy. Mr. Ray tells us that he would have been glad if the chairman of the district board or the chairman of the local board had been given power under this Act, he would have had no objection. From the point of view of democracy, I think that these powers should not be given to the police.

The matter is not so urgent and important that it should be attended to at once. There are meetings of local bodies once or twice a month, and the chairman could then be given powers at a meeting, which would serve the purpose. We know how the Superintendent of Police works; he passes an order for inquiry on to the inspector; the inspector in turn will pass it on to the sub-inspector. The sub-inspector will pass the order on to the head constable, and the head constable to the ordinary constable. If the power is given to the Superintendent, the power is in fact given to the ordinary constable. That being the case, I strongly oppose the introduction of such a clause and request Mr. J. N. Basu not to accept it.

Babu JITENDRALAL BANNERJEE: Sir, I also beg to oppose the motion, but my opposition has nothing to do with accusing or defending the police. In point of fact, Sir, I speak in the interest of the police and the public both, and my reasons will be very short and brief. In the first place, the police are unpopular enough already, and I would ask the House not to multiply opportunities of increasing their unpopularity. Also, the police are burdened with many and multifarious duties; and I would ask the House not to place additional burdens upon their shoulders and thus create an excuse for multiplying their strength and their numbers. In the next place I am strongly of opinion that the initiative in these matters must come from the public, and not from the police or the administration. This is a point we cannot emphasise too strongly, especially when the success or failure of the Act depends altogether on the force of enlightened public opinion. If public opinion is enlightened, if public opinion is behind us, if it is prepared to take action in such matters as are contemplated in the Bill, then only should we be justified in proceeding with the measure. Otherwise, if we have to depend for initiative upon the police, it would be better not to proceed with the Bill at all.

Babu AMULYADHAN RAY: I do not wish to take up the time of the Council, and I must clearly confess that I am not an expert like my hon'ble friend Mr. Shanti Shekhareswar Ray in matters of legislation of this kind, but, Sir, with a full sense of responsibility, and with due respect to the favourite police of the Hon'ble Mr. Prentice, I will submit to the hon'ble members of this House that legislation to give authority to the police to complain in respect of a brothel, is sure to lead to corruption and harassment. Mr. Khetter Mohan Ray told us yesterday that chairmen of municipalities or district boards might be slow to make complaint, or rather inactive. If this is so, and these chairmen have no sense of responsibility, then I do not think we ought to try for any further political advancement. I may tell Mr. Ray that the working of this Bill, if passed into law, will depend more on

the co-operation and good-will of the people than the number of complaints made by the police. The Select Committee, therefore, was perfectly justified in laying down that only local bodies should be empowered to complain.

Babu JATINDRA NATH BASU: Those who have supported this amendment have overlooked the fact that in clause 7 we have a provision for action being taken by the police in cases that are urgent and are a public nuisance. This provision, if brought into operation, will meet all the difficulties that the supporters of this clause have been thinking about. This is a clause in which the public has to take the initiative for permanently ridding a locality of a brothel or brothels. That should come from the public. And if public opinion in the locality is aroused, and there is a real sense of grievance that something wrong is being done, then it would be for the public to take steps.

As regards matters that are urgent, that is to say that there are disorderly houses in certain specified localities, the police have been invested with sufficient powers under clause 7. I oppose the amendment.

The motion of Mr. S. M. Bose was then put and lost.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that to clause 4 (7) (*c*) the word "or" be added and after that clause the following be inserted, namely:—

"(*d*) a head master of a school recognised by the University of Calcutta or established by the Corporation of Calcutta or the Inspector or Inspectress of Schools or the Principal of a College affiliated to the University of Calcutta."

My object in moving this amendment is very clear. I want that educational institutions if it has any complaint against a brothel which is near about the institution, may take the initiative in its removal. In Calcutta there are no brothels contiguous to educational institutions, but some are very near to them. In such cases the people of the locality would not like to take the trouble or face the unpopularity of taking the initiative on their shoulders. In these circumstances if the educational institution want to take steps instead of depending upon anybody else, they ought to be authorised to take the initiative. I have suggested here that the headmaster of a school recognised by the University of Calcutta or any institution established by the Corporation of Calcutta, or the Inspector or Inspectress of Schools or the Principal of a college affiliated to the University of Calcutta, should be authorised to take the initiative, and I sincerely hope that before this is disposed of, at least the mover of the Bill will kindly agree with me that such a step would certainly be of help in a good many cases.

Dr. AMULYA RATAN GHOSE: In supporting Rai Bahadur Dr. Haridhan Dutt's amendment, I beg to say that this is a very useful amendment, and the members of this House will do well to support it wholeheartedly. It should be the lookout of every member of this House that particular care must be taken to save schools, colleges and other educational institutions from the vitiating atmosphere of brothels and such places. Therefore, Sir, it is very necessary that an amendment of this sort should be accepted, and I thank the Rai Bahadur for suggesting an amendment like this.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I would like to draw the attention of members of this House that this is a Bill for the suppression of immoral traffic, and not for the protection of educational institutions. I do not see any advantage in authorising the heads of educational institutions to start complaints of this nature. Already in the Bill there is adequate provision of responsible men who can take action, and it seems unwise to authorise heads of educational institutions to be mixed up with these things in any way whatsoever. If any head has any complaint he can easily forward it to the chairman of the municipality, district board or the Calcutta Corporation, and surely we cannot expect that any complaint from the head of an educational institution would be neglected or ignored by anyone of these gentlemen. Besides, Sir, the headmaster of a school has been authorised, and at the same time all schools started by the Calcutta Corporation, also any primary schools, everyone of them has been authorised to take this action. I doubt if the head of a primary school has got sufficient responsibility in a matter like this, compared with the people who have been put down on the list. And from their standard and the standard of these schools, I do not think it is advisable to add to the list already provided. There are already too many to take action I therefore oppose the amendment.

Mr. NARENDRA KUMAR BASU: I think that the heads of schools and colleges have got enough work to do rather than to rush to police courts. Rai Bahadur Dr. Haridhan Dutt attends the police court once a month only to try some cases, and therefore, he thinks that he knows all about the police court. He goes into the police court through the back door in a very secluded manner——

Rai Bahadur Dr. HARIDHAN DUTT: No, I do not. I always enter by the open door.

Mr. NARENDRA KUMAR BASU: I am glad to learn that. But I consider that it is more desirable to keep the heads of colleges and schools away from the precincts of a police court. Moreover, let us look at the advisability of inserting this clause, taken as a whole. The

Rai Bahadur would like to empower the Inspector or Inspectress of Schools who has in his or her jurisdiction schools in over four or five districts to be a complainant in these cases. Take, for instance, an Inspector is living at Chinsurah, and there is supposed to be a brothel at Arambagh subdivision of Hooghly district. Will the Inspector or Inspectress go from Chinsurah to the Subdivisional Magistrate of Arambagh to file a complaint there? Will he draw travelling allowance? Then to spend several days there and to draw travelling allowance from the Education Department for so doing.

Another thing is that so far as we can understand from the report of the Retrenchment Committee the Principals of colleges affiliated to the Calcutta University are given very little lecturing to do so that they may administer the colleges properly. If they are allowed to dance attendance on these courts in these cases I am afraid the administration of the colleges will suffer. I do not see any reason why the Inspectors and the Principals of colleges should be dragged in in a Bill of this description.

Babu JATINDRA NATH BASU: I do not see the need for the amendment that Dr. Dutt has proposed. The provisions are clear enough as to who are the persons who should prefer the complaints, "three or more persons," and if on the administrative staff of a school or college this duty is imposed in a direct way then as Mr. N. K. Basu has pointed out it will take away a large part of their time. Those who are connected with educational institutions, colleges, high schools and primary schools know very well that they are understaffed and the staff has really no extra time to devote to any matters except to looking after the actual work of the schools. It would be exceedingly difficult for them to do this but if the managing committee of a school consider it necessary to take steps they can go to the court and take steps under the existing provision.

The motion of Rai Bahadur Dr. Haridhan Dutt was then put and lost.

The question that clause 4 as amended in Council stand part of the Bill was then put and agreed to.

New clause 4A.

Mr. SHANTI SHEKHARESWAR RAY: I beg to move that after clause 4 the following be inserted, namely:—

"4A. It shall be lawful for the Corporation of Calcutta, any municipality and district board in Bengal to establish 'brothels' to be known as a 'licensed brothel' in conformity with rules prescribed by the Local Government."

I know, Sir, that purists in this Council will hold up their hands in horror at a suggestion of this nature. I also realise that it is perhaps not an up-to-date solution of the problem. In certain countries licensed brothels are now looked upon with disfavour. In bringing this suggestion before the Council I feel, therefore, great hesitation but I find that the member in charge of the Bill is not against prostitutes or the practice of prostitution. It is not his intention, as he has stated here, that prostitution should be stopped; he wants to stop or annihilate the trafficker; so long as no one makes any gain out of this vile trade or practice he has no objection. Keeping that point in view it strikes me that we ought to find some solution as to what will happen to those prostitutes who are inmates of brothels when they are to be turned out from the brothels when they are abolished. The only solution that appears to me is, in the absence of rescue homes, that there should be some place where they can carry on their trade. I ask the House to realise that we are not going to stop this trade. I am pleading for a place where these women can carry on their trade without exploitation and I think perhaps the local bodies may prove helpful in the matter. I would ask the House to remember that it is not a compulsory clause but a permissive one. If there is any demand for an institution of this nature then only may such an institution be established. Of course the most desirable course would be to establish rescue homes where these unfortunates might find shelter. We ought to be realists in life; we should not be blind of the seamy side of life. We ought to realise how these unfortunate girls are decoyed and abducted from their homes by respectable men or by men who are at least known as respectable and after a time they are left adrift to fall into the clutches of designing persons and whether they live in a brothel or as mistresses of individuals their life is equally miserable. To save them from the clutches of the traffickers in this vice or from the oppression of individual persons there should be some provision of this nature.

Babu JATINDRA NATH BASU: I do not think that I need say anything in opposing this amendment. I shall only remind the mover that he is not in the Parliament of Louis le Grand, but he is in a Legislative chamber functioning in the second quarter of the twentieth century.

Mr. NARENDRA KUMAR BASU: In opposing this amendment I must say that I do not think that Mr. Ray's object will be fulfilled if this amendment were accepted. Mr. Ray wants to have what are known as legalised houses of prostitution in various parts of the country. Whether that is a good thing or not I am not called upon to discuss at the present moment. I know it has been found by certain inquiries that these legalised houses add to syphillis and other venereal diseases and that they are not good for certain countries, but I say that

so far as the present amendment is concerned Mr. Ray has forgotten that the word "brothel" has been defined in this Bill. What he is talking of is not what are called brothels in the ordinary language but as soon as he puts the word "brothel" in an amendment to this Bill he will find that it is defined in clause 3. Therefore when he says that the Corporation of Calcutta, the municipality or district board of 24-Parganas may establish brothels he wants the Corporation or the district board to establish houses where several prostitutes can carry on their prostitution for the gain of any other person; that is to say, either for the gain of the Corporation or somebody to whom the Corporation lets the house. I am quite sure Mr. Ray does not want that nor does he realise that the effect of our accepting the amendment would be that. I think on further consideration Mr. Ray may be prevailed upon to withdraw his amendment.

Maulvi ABUL KASEM: Although I confess that I do not deserve the great compliment paid to me the other day by my friend Mr. Ray, I am sufficiently experienced to express an opinion on this amendment of his. We have been told that we the people of India are advancing very fast and I think faster than many of us would wish. We are progressing socially, morally and politically. We have learnt many things from the west and we are imitating many things and aping many things from western civilization. So I say if we can have licensed wine shops, licensed drug shops and licensed other things why should we not have licensed brothels? We are imitating the Europeans in their dress, in their food, in their habits and in their politics, so why not imitate France in this particular instance also?

Mr. W. C. WORDSWORTH: I do not know whether I am to be classed among the purists, but I certainly object very strongly to this amazing suggestion, and I offer my commiserations to the Government of Bengal, to the Corporation of Calcutta and to all the local authorities in this province. I take it that the hon'ble member has proposed this amendment in all seriousness and has entirely abandoned the levity that characterized some of his remarks yesterday. I can only say, therefore, that I am very much surprised that the mover is so ignorant of current world opinion and world experience as to put such a proposal before a legislature of this kind as a sober proposition. If he were to succeed we should presumably in this House have public business relating to it, a budget, resolutions and questions on it and allotment of money for it, and presumably a standing committee too, to which the hon'ble member might well be elected without any opposition. Sir, what is the world position to-day in regard to legalized vice? I take it that this amendment proposes generally the legalisation of vice, and I need not follow Mr. Narendra Kumar Basu into his legal demonstration of its insufficiency. In brief, the world has been

attracted by what appears to be the utility of the legislation of commercialised vice. The world has got tired of it. It has been disappointed by its experience and has been disillusionised, and it has now become almost entirely abolitionist. I have looked up some figures, and I find that in recent times 47 countries, including some of the greatest and most enlightened have experimented in the legalisation of vice. Of these 47, 31 have repented not only in sack cloth and ashes but in act, deed and legislation, and 16 are in process of repentance. They are either engaged in working out the necessary legislation to change their social institutions, or they have referred these to important committees or commissions to advise them how to proceed to rid themselves of the incubus. A reference has been made to France, and it is often thought that France is by legislation a very great sinner. But I think I am right in saying that there is no law in France that enables this. French social institutions that come under this description are almost entirely, if not entirely, matters of local administration—administration by ordinances of mayors or other local authorities, and local authority is busy in ending them. The latest figures I have seen show that 37 communes have recently become abolitionist by their local by-laws. Much has been talked about Egypt; but Egypt too has developed an uneasy conscience. It has invited the assistance of those who can help in this matter, and there are signs that Egypt will soon be following most of the other countries. Japan also has the same stirring of conscience, and generally the East has looked for guidance towards an important commission that on behalf of the League of Nations has recently been studying the question over the East and which is about to report, unless it has already reported. It is unfortunate that the East will not get as much assistance as it hoped to get from this Commission, because by its power it was enabled to study prostitution and commercialised vice only in its international aspect, not in its national, and the Commission therefore has devoted its attention to this vice only as it is carried on between race and race.

Now, let us come nearer home. India itself has become largely abolitionist. I find that there is either legislation or discussion or committees working in the direction of abolition, in Bombay, Madras, Burma, Ceylon, Travancore, Cochin and Podukota. In Bengal, Punjab, Delhi and Mysore, the matter is under consideration. There are keen workers for abolition in this country, and I would beg the Council not to do anything to weaken their efforts.

(The Council then adjourned for 15 minutes for prayer.)

(After adjournment.)

Mr. P. BANERJI: Mr. President, Sir, I have no hesitation in supporting the motion which has been moved by my friend Mr. Shafi

Shekhareswar Ray in spite of the fact that many hoary-headed gentlemen have not seen the intention of the motion from the real viewpoint. Mr. Ray has suggested that unless some provision is made so far as rescue homes are concerned, and when it is not the intention of the mover of the Bill to stop prostitution altogether, then something must be done in this direction, for nobody can deny that it is the oldest profession in the world. Mr. Wordsworth was just telling us vividly—rather seriously giving us a long statement of the state of affairs in the West. Mr. Wordsworth is not here now, but I must say that the state of affairs in the East is quite different from the state of affairs in the West. We all know what the position is in the West in spite of the fact that the vice is being stopped and is even being legalised. Mr. Wordsworth also referred to the state of affairs in Japan, but he forgets that in Japan there are licensed brothels and I may mention the name of Yoshiwara where there are licensed brothels and I would suggest to Mr. Basu that there will be no chance of diseases like syphillis and other venereal diseases in those brothels. Therefore when it has existed and will exist for all time to come and when there is no attempt made in the Bill to stop prostitution, something must be done in this direction suggested by Mr. Ray. Mr. Ray has studied the situation and from the realistic point of view, we cannot ignore what happens in a big city like Calcutta. I would cite instances that it is difficult for young men and for the matter of that all men who have no wives in Calcutta to control the natural passion of human beings. I would refer to an old *sloka*——

Mr. PRESIDENT: I am afraid you are going beyond the limits of the motion now before the House.

Mr. P. BANERJI: I am only referring to the facts of everyday life.

Mr. PRESIDENT: That is not necessary at all.

Mr. P. BANERJI: I was suggesting, Sir, that if these brothels were licensed they would ensure the chastity of our womenfolk (cries of "No, no"). Therefore if any attempt is made to stop it, I have no hesitation in saying that it will take another channel altogether which in the East we do not like and therefore I would refer to the well-known Sanskrit verse:

পরাশর বিশ্বামিত্র প্রভৃতয়ো যে চাপুপর্ণাশনাঃ
তেঽপি স্ত্রীমুখ পঙ্কজং সুললিতং দৃষ্ট্বা মোহংগতা।
শাল্যান্নং সঘৃতং পয়োদধি যুতং যে ভুঞ্জতে মানবাঃ
তেষামিন্দ্রিয় নিগ্রহো যদি ভবেৎ পল্বুতরেৎ সাগরং।

Mr. PRESIDENT: Order, order. I must ask you, Mr. Banerji, to discuss this matter from a practical point of view. I must take exception to the manner in which you are trying to put your case.

Mr. P. BANERJI: It is my misfortune that I cannot follow your direction. I have just told you that I am discussing the matter from a practical point of view. If you will kindly hear me you will find me quite in order.

Mr. PRESIDENT: I am afraid you are persisting in irrelevance and trying to lower the level of the debate.

Mr. P. BANERJI: If you, however, insist on stopping me in this way I shall not labour that point. In that case I had better resume my seat.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I do not know whether it would be transgressing the limit of Parliamentary convention if I say that when I heard some of the speeches I am ashamed that I am a member of this House. (Hear, hear.) Imagine that in the 20th century some one should be found to say solemnly, openly and in public that the chastity of our women depends on brothels! I say it is the greatest shame and disgrace on us and speaking of every one, be he a Hindu or Muhammadan, I am sure every one will spurn the idea that has been suggested by Mr. Banerji. Sir, what is being suggested in this House and what is this Bill aiming at? This Bill is merely dealing with a certain form of vice and not with every form of transgression. It is dealing with a particular form of it, namely, traffic in girls, and to solemnly suggest that brothels should be permitted by a Corporation, that there should be licensed brothels, I think, is going much beyond what human nature should think of. It would be abusing our privilege as members of this House if we go beyond the limit and transgress the highest law of morality. After all a legislature is meant for guiding the people in the path of right and if I even find that ten thousand persons are going every day to these places, I shall not be a party to perpetuate the wrong by an Act of the Legislature.

Dr. NARESH CHANDRA SEN GUPTA: Without professing any virtuous indignation such as have been given expression to by Khan Bahadur Azizul Haque, I can in cold blood disassociate myself from this proposition. Mr. Wordsworth has put forward before this House a description of licensed brothels. If you read the Report of the League of Nations Committee which dealt with this matter, you will find that a licensed brothel serves no useful purpose whatsoever and it becomes a concentrated centre of vice and disease. That being so, I cannot understand the proposal for having licensed brothels in

Calcutta and Bengal. It is certainly a matter of shame to see women parading the streets for customers and it is not necessary to add to that shame by having licensed brothels. I understand from the speech of the hon'ble mover that he is not asking for licensed brothels of the sort that we have in Europe and the East. What he is asking for is an asylum for prostitutes to be provided by the Calcutta Corporation, the municipalities and the district boards. To that extent I am at one with him, but to have an asylum for the purpose of carrying on the trade of prostitution is preposterous. I can understand his solicitude for the prostitutes affected the activities of the public authorities under this Act. That is a matter upon which I am not without some amount of apprehension, but the remedy in my opinion is not to say "you give up your old brothels, I will provide you better facilities for carrying on prostitution." It may be worth while to provide boarding houses for women which will not insist upon too rigid an adherence to the standard of sexual morality, but I cannot support licensed brothels.

Mr. SHANTI SHEKHARESWAR RAY: Sir, may I draw your attention to section 107 of the Rules and Standing Orders which provides that the President whenever he thinks fit may order the galleries to be cleared. In view of the delicate nature of the subject that we are now discussing I respectfully submit for your consideration whether you should not exercise that power.

The Hon'ble Mr. W. D. R. PRENTICE: I move that the question be now put.

Mr. PRESIDENT: I do not feel the necessity of clearing the galleries at all, and as President of this Council I expect that the debate on this matter, however delicate the subject may be, will be conducted in decent language and in a manner at once decorous and business-like, shorn of all objectionable elements. So long as I am here, I shall do all that lies in my power to prevent the debate from bordering on levity and preserve the dignity of the House of which I am so zealous. (Cries of "Hear, hear and applause").

The motion that the question be now put was then put and agreed to.

The motion of Mr. Shanti Shekhareswar Ray was then, by leave of the House, withdrawn.

Clause 6.

Mr. PRESIDENT: The question is that clause 6 stand part of the Bill.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 6(*1*), in lines 12 to 14, for the words beginning with "but without prejudice" and ending with "determination" the words "and on determination of the lease, rights and remedies of any party to such lease accruing before the date of such determination, shall cease" be substituted.

My object in moving this motion is this. I cannot make out what would be the result if a lessor and a lessee come to an agreement that in case the lessee is deprived of the use and occupation of the house the lessor will have to compensate him after the determination of the lease. In such a case the lessee will have the right to get from the lessor a certain sum of money after the determination of the lease in consequence of the application of this section. If I am satisfied on that point by the member in charge of the Bill or by the Government side, I shall be very glad to withdraw the motion. For the present, however, I move it.

Babu JATINDRA NATH BASU: I desire to point out that if there is a provision in the lease of the nature of which Dr. Dutt has spoken, then if the lessor has not been responsible himself for the lease being determined he cannot be held responsible. Further, the weapon that he desires to introduce by this amendment will cut both ways. Suppose the lessor has to receive a large arrear of rent from the lessee. If this clause goes in, he ceases to have the right to realise the rent. I think, Sir, that this does not appear to be a well-considered provision, and I would ask the mover to withdraw it.

The motion of Rai Bahadur Dr. Haridhan Dutt was then, by leave of the Council, withdrawn.

Mr. ANANDA MOHAN PODDAR: I beg to move that in clause 6(*3*), in line 3, for the word "may" the word "shall" be substituted. By this clause the landlord or the lessor of a premises which is used as a brothel is required to determine the tenancy in the case of a conviction under section 4. And if he fails to do so, the landlord or lessor shall be deemed to have abetted such offence and be liable to punishment. Now the thing is, a very great responsibility is thrown on the landlord. He must eject the tenant if the latter be an undesirable one, otherwise he will be considered as an abetter of the offence. In this case it is necessary that the landlord or the lessor must be acquainted with the situation. He must know that his premises is being used for illegal purposes. So it is fit and proper that the landlord or the lessor must be made acquainted with the position of his premises. Sometimes the landlord lives at a place far off from his estate, in that case it may not be possible for him to know the exact situation.

For the above reasons I move that it should not be left to the discretion of the court to send a notice to the landlord. It should be made compulsory that the landlord or the lessor should be given notice.

Maulvi TAMIZUDDIN KHAN: Sir, I am afraid if this amendment is carried, it will increase the difficulties of the landlords, because the clause as it stands the issue of a notice is only optional and unless notice is given, the liability of the landlord does not arise. Therefore, if there is no notice no liability will accrue on the landlord. My friend wants to make the issue of notice compulsory in every case. If that is done in every case the landlord will be saddled with liability. I am afraid that it is on a misapprehension that this motion has been tabled.

Babu JATINDRA NATH BASU: Sir, I think the provision to which attention has been drawn by Maulvi Tamizuddin Khan shows that the landlord becomes liable only after the service of the notice. So I do not think Mr. Poddar gains anything by changing the word "may" to "shall".

The motion of Mr. Ananda Mohan Poddar was then, by leave of the House, withdrawn.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I beg to move that clause 6(*5*) be omitted.

I do not see any reason why the jurisdiction of any civil court should be taken away when a person feels aggrieved in connection with any action taken by the landlord or the lessor. I think this elementary right of a citizen should exist in the Bill.

Mr. NARENDRA KUMAR BASU: Sir, I beg to support this motion. I think it is not at all proper that the jurisdiction of the civil court in this matter of a private contract between the lessor and the lessee should be taken away. The House must have noticed the provision in this Bill that as soon as the tenant, the lessee, or the occupier of any premises is convicted of an offence under section 4, the lessor may turn him out, and give nothing in the way of compensation. It is not unknown to the members of this House that a conviction by a Magistrate is not always a correct order to pass and where a criminal court has by mistake convicted the tenant or the lessee, for the landlord to be able to determine the lease and to refuse relief to the lessee to have his rights established in the civil court is I submit not just and proper. Moreover, what is the necessity for it? It is not a part of commercialised traffic in girls. This is a matter of a private contract between two parties. So far as the use of the premises as a brothel is concerned, certainly the police can stop it and the conviction of the lessee will certainly stop the vice, but there may be a hundred and one rights between the lessor and the lessee, and there is no reason why the jurisdiction of the civil court should be taken away.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I support this motion. It has become very much of a habit in recent legislation to have a provision of this sort that when a wrong is done, no civil court should have jurisdiction. There may be some justification for this in cases of emergency legislation when great public interests are at stake, but here no public interest is at stake which necessitates the provision that no civil court should take cognizance of a breach of contract. There is nothing to be afraid of if the civil court takes cognizance of the matter. The lessor upon the conviction of the lessee determines the lease; he has got the right to do so under this section. After that, suppose the lessee thinks that he has been improperly treated he can certainly go to the civil court. If in such court the lessor produces the order showing that the lessee has been convicted under section 4, the court will necessarily dismiss the suit. Therefore, no public interest can suffer, if the litigation is allowed to go to civil court. It is only when the lessor has acted otherwise than in conformity with the section that there can be any chance of the lessee's success in the civil court. That is a matter which is pre-eminently one for civil courts to determine, and there is no consideration of public policy whatsoever which justifies one taking away this jurisdiction of the civil courts.

Babu JATINDRA NATH BASU: I oppose this amendment. The arguments that have been urged in support of the amendment overlook the fact that clause 6 merely seeks to give effect to clause 4. Under that clause if you find that a person is guilty of keeping a particular house or place as a brothel you punish him. If he is the landlord, clause 6 gives him the right to terminate the lease of the tenant who is probably using the house as a brothel. The lease becomes terminable. The House will notice that the earlier clauses, namely, sub-clauses (*1*), (*2*), (*3*), and (*4*) have not been objected to. There the abrogation of the ordinary civil law has been submitted to by my friends. But after the lease is terminated and the landlord is given the right to obtain an order for delivery of possession to him, if the tenant holds over, then this sub-clause only says that the landlord may obtain an order for delivery of possession if the place is used as a brothel and women and girls are kept there for hire for the profit of others.

Mr. NARENDRA KUMAR BASU: Please read sub-clause (*5*).

Babu JATINDRA NATH BASU: I have read it. It provides that no action taken by any landlord or lessor under the provisions of this section shall be called in question by any civil court. If the landlord takes steps to have the lessee or tenant ejected and action is taken under the provisions of clause 6, that action should not be taken exception to in any civil court. Otherwise if the right is given to the

parties to go to the civil court, then the entire clause 6, the greater part of which has not been taken exception to, will be frustrated. That is to say, a lessee can then go to a court, and ask for an injunction to the effect that the order of vacation is not a correct order, so that in the meantime he is practically permitted to continue the brothel there. The civil action so taken may drag on for months and probably for years, and in that way the whole of clause 6 will be turned down. It will nullify not only clause 6 but clause 4 as well.

The Hon'ble Mr. W. D. R. PRENTICE: I would only like to draw the attention of the Council to the report of the Select Committee of which Mr. N. K. Basu was a member. In the Select Committee he did not raise any objection——

Mr. NARENDRA KUMAR BASU: I objected.

The Hon'ble Mr. W. D. R. PRENTICE: You did not, and there is nothing in your minute of dissent to show that you did.

Mr. NARENDRA KUMAR BASU: Mr. Prentice made it quite clear in the Select Committee that the note of dissent should refer to——

Mr. PRESIDENT: Members cannot refer to anything that is not in the report.

Mr. NARENDRA KUMAR BASU: Mr. Prentice is himself referring to——

The Hon'ble Mr. W. D. R. PRENTICE: I beg your pardon. At any rate it is in order to read what is in the Select Committee's report: "we have added clause 6(5) to provide that no action taken by a landlord or lessor under clause 6 should be called in question by a civil court." That was a perfectly general recommendation, and I support Mr. Basu entirely. The whole intention of this legislation is to prevent any action taken in respect of this traffic in women and children being called in question by a civil court which, as Mr. Basu says, will postpone the decision indefinitely.

The motion of Mr. Shanti Shekhareswar Ray was then put and a division was called for with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Kusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mullick, Mr. Mukunda Behary.
Quasem, Maulvi Abul.

Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nagendra.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Tej Bahadur.

NOES.

Ahsan, Nawabzada Khwaja Muhammad, Khan Bahadur.
Austin, Mr. J. M.
Barma, Rai Sahib Panchanan.
Basu, Babu Jitendra Nath.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Burn, Mr. N. N.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Cohen, Mr. D. J.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Fawcus, Mr. L. R.
Ganguli, Rai Bahadur S. K.
Ghose, Rai Bahadur Saroshi Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Haque, Khan Bahadur Maulvi Azizul.
Henderson, Mr. A. G. R.
Hogg, Mr. G. P.
Hooper, Mr. G. G.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Law, Mr. Surendra Nath.
Maguire, Mr. L. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mitra, Babu Sarat Chandra.
Mortimer, Mr. H. R.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. G. V.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hanuman Prasad.
Prentice, the Hon'ble Mr. W. D. R.
Proctor, Lt.-Col. A. H.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur.
Raikat, Mr. Prasanna Deb.
Rai Mahasai, Maniendra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Reid, Mr. R. N.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sadiqullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarker, Rai Sahib Rohini Mohan.
Sen, Mr. B. R.
Sen, Rai Bahadur Jogesh Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Thompson, Mr. W. H.
Townsend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 26 and the Noes being 64, the motion was lost.

The question that clause 6 do stand part of the Bill was put and agreed to.

Clause 7.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

Mr. S. M. BOSE: I beg to move that after clause 7(*1*) (*c*) (*ii*), the following be inserted, namely:—

"(*iii*) the members of any district board, local board or union board within whose jurisdiction the thoroughfare is situated, made in pursuance of resolution of the members of such board; or"

My object in moving this amendment is to remedy what I think is an obvious gap in the Bill. In clause 7(*1*)(*a*)(*ii*) a chairman of a

municipality or district board or local board or union board may after a resolution of that body complain in a court. In this clause 7(*I*)(*a*)(*ii*), only the first party, the chairman of a municipality is mentioned; district boards, local boards, and union boards, are I think, by an oversight omitted. Outside a municipality, the roads rest with one or other of these three local bodies, and I think they should be empowered by a resolution to recommend to the local Government that certain roads should be declared public thoroughfares. The local Government has a safeguard; it has got a final choice whether it will accept or not the recommendation so that there is no danger of any hasty action being taken by any local board or district board or union board. I, therefore, commend my amendment to the acceptance of the House.

Maulvi ABDUS SAMAD: I beg to support this motion for I think it is an improvement upon the clause. There may be cases when a thoroughfare which is, within the jurisdiction of a district board, local board or union board may be used for public purposes and I do not see any reason why this same power that is going to be given to the municipalities and the Corporation of Calcutta, should not be given to these local bodies. I think, therefore, this amendment should be accepted.

Babu JATINDRA NATH BASU: This amendment is inoffensive but it is not likely to be of much use because the mover knows that brothels are not likely to flourish in the wilds; it is only in urban areas that brothels grow and flourish and therefore the chairmen of municipalities in urban areas only have been given the right to make the recommendation. But from my point of view if this clause is inserted it cannot do any harm.

The Hon'ble Mr. W. D. R. PRENTICE: May I add something to what Mr. Basu has said in order that the point raised by Mr. Samad may be cleared up. This matter was considered in the Select Committee and the Select Committee decided to omit this provision from the Bill. There are some 4,000 union boards as well as district boards and other local bodies and the Committee decided against introducing an air of unreality by having this provision in the Bill. So they deliberately left it out but the matter now rests on the decision of the Council.

Khan Bahadur Maulvi AZIZUL HAQUE: I will just point out that it would be a great danger to insert this amendment from certain aspects. After all municipalities are a compact block and they are always before the public gaze. If similar power is given to rural bodies covering vast areas and mileage and if this question is taken up it will be practically impossible to know whether the circumstances

exist or not. I think it will not be safe to give this power, which might be abused by unscrupulous persons, and I am reluctant that this matter should be incorporated in the Bill itself. I am pointing out that, apart from the air of unreality that it involves, there is a danger also in doing this. I hope the House will consider the matter before accepting the motion.

Mr. S. M. BOSE: I beg leave to withdraw my motion after what Khan Bahadur Azizul Haque has just said.

The motion of Mr. S. M. Bose was then, by leave of the House, withdrawn.

Mr. SHANTI SHEKHARESWAR RAY: I beg to move that clause 7(*d*) be omitted. Sir, clause 7(*d*) runs as follows: "for the purposes of this section the decision of the Commissioner of Police or Superintendent of Police that a house, room, or place is used in any manner or for any purpose described in clause (*a*), (*b*), (*c*) or (*d*) of sub-section (*1*) shall be final and the legality or propriety thereof shall not be questioned in any trial or judicial proceeding in any court." I object to this clause mainly on the grounds that I advanced in connection with the previous motion that I moved. Moreover, in this instance I find that great power is going to be entrusted to the Commissioner of Police and the Superintendent of Police. These officers are executive officers and they generally depend on reports from their subordinates and in some cases the reports of *chowkidars* are believed as against respectable witnesses. They are executive officers and their training is not of a judicial nature. Of course for the proper working of this Act a certain amount of power must be entrusted to them but we should also provide against any miscarriage of justice or error of judgment on the part of these executive officers. Their action should be challenged in judicial courts and this amendment will serve as a safeguard against any hurried action or any abuse of power on their part.

Babu JATINDRA NATH BASU: My friend probably has forgotten that this merely continues the law as it at present stands under the Calcutta Suppression of Immoral Traffic Act of 1923 and probably also under the Eastern Bengal and Assam Act. Here also the same provision has been made. It runs thus "For the purposes of this section the decision of the Commissioner of Police or Superintendent of Police that a house, room or place is used as a brothel in the manner described in this section will be final." As has been pointed out this section will meet urgent cases of public nuisance, and where there is such a nuisance it is for the police to see that it is put a stop to and not continued. So far as the inhabitants of Calcutta are concerned they have occasionally put in motion the provisions of the existing Act to great benefit to themselves, and the complaints on the part of the inhabitants

of Calcutta have been not that the police have not done what they wanted them to do, but that the police have acted in a rather more judicial manner than the people wanted them to. The public want speedier executive methods to be adopted by the police for dealing with the evil than the police have actually done, for they have held regular inquiries, and have heard evidence on both sides. These cases, I may assure my friends, are not left in the hands of constables or subordinate police officers but are dealt with in Calcutta by the Commissioner or Deputy Commissioners of Police.

Dr. NARESH CHANDRA SEN GUPTA: I beg to oppose the amendment. This amendment is not on the same lines as the corresponding amendment that we have just dealt with in connection with section 6. Here a public officer is given certain authority for executive action where prompt action is absolutely necessary and that action is very strictly limited by sub-section (*1*). The Commissioner of Police can only act "when the house is used as a brothel or a disorderly house or for the purpose of carrying on prostitution in the vicinity of an educational institution or of any boarding house, hostel or mess used or occupied by students, or (*b*) is used for the purpose of annoying the inhabitants of the vicinity, or (*c*) is used for the purpose aforesaid on any main thoroughfare which is declared by the local Government to be a main thoroughfare," in which case all that is left to the Commissioner of Police or the Superintendent of Police is merely executive action and that executive action is within such narrow compass that there does not seem to be any necessity for appealing to the civil court and an appeal to the civil court might make the Act influctuous. It would have been very different if the power had been given to a private citizen to ride roughshod over the civil rights of another private citizen and then to say that the civil court should have no jurisdiction as has been done in section 5. I therefore do not think that this amendment should be accepted.

The motion of Mr. Shanti Shekhareswar Ray was then put and lost.

The motion that clause 7 stand part of the Bill was put and agreed to.

Clause 8.

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that for clause 8, the following be substituted, namely:—

"8. Whoever, in a public place, solicits or persistently molests any person to the annoyance of the person solicited, or of any two

or more of the inhabitants or passers-by, shall be punished with imprisonment of either description which may extend to one month, or with fine which may extend to one hundred rupees, or with both."

Practically I am moving for the deletion of the clause itself, because I think that the manner in which the solicitation is made need not be described in the Act. If one solicits prostitution or molests anybody and it causes annoyance to the person molested, that is sufficient cause for prosecution. My friend Dr. Dutt also goes for the deletion of that clause, but I go something more than that. I also like to delete clause 2. I would simply generally say that this should not be done and if anybody feels annoyed, that is sufficient justification for taking action under the clause, and he may be punished accordingly.

In clause 2 it is stated how far imprisonment in default of fine may extend. Sir, when the original punishment is one month and a fine of Rs. 100, so it need not be said that it should extend up to one month. Without saying that it may be left in the way I suggested, I hope this amendment will be accepted by the House.

Mr. NARENDRA KUMAR BASU: I beg to oppose this amendment. The House will see that Kishori Babu's amendment will leave the word "solicit" without a definition for purposes of a prostitution. Therefore, whoever in a public place like the High Court solicits for a client or makes a solicitation for a client, he will through a solicitor, be at once "punished with imprisonment or either description which may extend to one month or with fine which may extend to one hundred rupees or with both." I think it will be news to Mr. Chaudhuri to learn that it was after considerable discussion that the Select Committee refused to accept the original proposal in the Bill which is almost on the same lines as that, why almost on the same lines, rather exactly the same as the amendment, Kishori Babu, is now advocating. It was decided that it was necessary to have as precise a definition of the word "solicit" or "solicitation" as possible, in order to avoid harrassment to the public, specially because as the House knows, under this section it will not be open to any high police officers or to any body else in authority to make any inquiries on the spot before prosecution takes place. It was, therefore, considered in the Select Committee necessary to amend the very general words used in the Bill and this is how we came to the present definition. I hope, therefore, the House will support the amendment made by the Select Committee.

Babu JATINDRA NATH BASU: Sir, I oppose the amendment. As my friend Mr. N. K. Basu has pointed out, the amendment is merely a repetition of the clause as it stood in the original draft of the Bill, as submitted to this House, and there is one matter which probably Mr. Chaudhuri has overlooked and that is this. There in the original

draft the solicitation that was contemplated was such as might take place in a public place, while in the amendment as made by the Select Committee it is laid down after a full consideration of what takes place often that if the solicitation is made in such a manner as to be seen or heard from any street or public place it will come under the purview of the clause. That widens the scope. I hope he will see that the clause as amended by the Select Committee covers all that he has inserted in his amendment and even goes a little further. I therefore trust that he will withdraw the amendment.

The motion of Babu Kishori Mohan Chaudhuri was then put and lost.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, may I have your permission to move amendments Nos. 35 and 36 together?

Mr. PRESIDENT: Yes.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I beg to move that clause 8(*1*)(*a*) be omitted, and that after clause 8(*1*), the following explanation be inserted, namely:—

"*Explanation.*—A person who requests another person either directly or through other persons by words either spoken or written or by signs or by indecent gestures or personal exposure or by extolling beauty or virtue for the purposes of prostitution is said to solicit that person."

I feel that the Select Committee in going through the Bill have taken away with their left hand what they have tried to do with the right hand. Sir, you will find that soliciting for purposes of prostitution has been prohibited or penalised, but at the same time if we read clause 8(*1*)(*a*) we find it laid down "by words, gestures, or indecent personal exposure attracts or endeavours to attract attention for the purposes of prostitution." These things have been singled out here in section 8(*1*). I am disposed to ask my friends, who have after very great consideration inserted the clause in that fashion what will be the state of affairs if we strictly interpret the words in respect of certain institutions which are existing amongst us—I am referring to *bi-nautch*, *khemta nautch*, ball dances, semi-nude dances, serpentine dances, etc., I would like to know what interpretation the courts would hereafter put on these words if they are inserted in clause 8(*1*)(*a*). Am I to understand that there will be no objection to any of these things? If objection is taken, what will happen? I am in a fix and I do not know what the intention of the Select Committee is. If they want these things to flourish let them say so. If they do not, then let them come forward and say that these are prohibited. As it stands, the clause is beautifully vague. The word "solicitation" is not defined

here. I would ask legal intellectuals like Mr. N. K. Basu, for whom I have the greatest regard, to give us the benefit of his legal intelligence by giving us a definition of the word. I am ignorant of law, but if a case comes before the court, naturally I would ask my lawyer friends how the law is to be interpreted. What will the court do to find a definition of "solicitation"? There is nothing in the clause to define it. That is my reason for tabling this amendment. If the members of this hon'ble Council think that clause 8(1)(a) should be omitted, then amendment No. 36 will be necessary. I have in my humble way tried to give a definition. I do not for a moment suggest that I have been able to include everything. The Hon'ble Mr. Prentice may have greater legal knowledge than myself, so will he kindly help me in this matter? Unless things are made clear, the effect of this Bill will be altogether lost and my friend Mr. J. N. Basu's honest efforts will be practically nullified. Mine is an humble attempt to do something in that direction. I do not find any real enthusiasm on the part of the authorities to improve the position. They are going to do something merely because something has to be done. But if things have to be done properly, more care and thought have to be devoted to set matter rightly.

Maulvi SYED MAJID BAKSH: May I ask what is the meaning of the expression "extolling virtue"?

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I am reminded of the words of Mr. N. K. Basu when he characterised the efforts of my friend as amateurish. I am also tempted to quote a line from a writing of H. G. Wells on social reform. He was dealing with the problem of lawyers which was a subject matter of condemnation and he says that whether it is autocracy, mobocracy or democracy, lawyers and men like him will be always required. When my friend the Rai Bahadur feels that semi-nude dances and ball dances and things like that will be amenable under section 8 (1) (a) he altogether fails to understand the language. It is laid down in the clause that any person who in any street or public place——whether from within any house or building or not does certain acts for the purposes of prostitution, etc.—— (Rai Bahadur Dr. HARIDHAN DUTT: I have seen that). Then you ought to have seen that any act positive or negative is to be governed by that particular sub-clause. If the purpose is there, the section is operative; if that is not there then dancing and such things will not come in, and in that case my friend need not talk about these things. So far as that is concerned I am drawing his attention to the fact that the Select Committee did not leave the word in the vague manner which he suggests. Certainly the Select Committee wanted that everybody should read the language in the way in which it is couched. My friend also provides against molesting persons for the purpose of

prostitution. I say that if my friend molests for the purpose of advancing his medical practice he will not be amenable under this section. But when he goes beyond that and attempts at legislation he is perfectly hopeless. He suggests that "extolling virtue for the purposes of prostitution" should be considered as solicitation. I would ask my friend how virtue can be extolled for prostitution either directly or indirectly. He has tried to quote from the Penal Code the words "either directly or through other persons by words either spoken or written or by signs or by indecent gestures or personal exposures or by extolling beauty or virtue for the purposes of prostitution." I confess, Sir, it is certainly a degree less than what is conceived in section 8 (*l*). I think in law it is sometimes preferable to leave something vague so that when circumstances arise, they may be brought under its purview.

Dr. NARESH CHANDRA SEN GUPTA: Sir, it is difficult to support the amendment of Dr. Dutt, because the explanation he has given is altogether unacceptable. But at the same time I must say that the form in which he has sought to place these two sub-clauses of sub-clause (*l*) will be certainly conducive to elegance. I think when a person "by words, gestures or indecent personal exposure attracts or endeavours to attract attention for the purposes of prostitution" he or she "solicits or molests any person for the purposes of prostitution." The two clauses overlap one another. If the second clause were left alone, it would be sufficient with the addition of an explanation as Dr. Dutt has sought to put in. At least that would be more elegant. At the same time the form which the Rai Bahadur has given to the explanation is altogether unacceptable. I do not know whether any such change is now possible, and I would ask the hon'ble member in charge of the Bill to consider the matter.

Babu JATINDRA NATH BASU: Sir, I oppose both the amendments, Nos. 35 and 36. After what Khan Bahadur Azizul Haque and Dr. Sen Gupta have said, I do not think it is necessary for me to say anything more in opposing these amendments.

The two motions of Rai Bahadur Dr. Haridhan Dutt were then, by leave of the House, withdrawn.

The question that clause 8 stand part of the Bill was then put and agreed to.

Clause 9.

Mr. PRESIDENT: The question is that clause 9 stand part of the Bill.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I beg to move that for clause 9 (*2*) the following be substituted, namely:—

"(*2*) A son or a daughter of a prostitute over the age of ten years who knowingly lives on the earnings of their mother shall be punished with imprisonment of either description for a term which may extend to three months or may be detained in some Reformatory for such period as the trying Magistrate of a Juvenile Court may think fit.

(*3*) Any person who having been convicted of an offence punishable under sub-section (*1*) is convicted of a subsequent offence punishable under the said sub-section shall be punished with imprisonment of either description which may extend to five years and fine not exceeding rupees one thousand.

(*4*) Any person who having been convicted of an offence punishable under sub-section (*2*) is convicted of a subsequent offence punishable under the said sub-section shall be punished with imprisonment of either description which may extend to three years or may be detained in some Reformatory for like period by the Juvenile Court."

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. Is the hon'ble member entitled to bring forward the question of "over the age of ten years" again, when it has already been rejected by the House in connection with another clause?

Mr. PRESIDENT: That was in connection with a different matter.

Khan Bahadur Maulvi AZIZUL HAQUE: Has the sanction of His Excellency the Governor been taken?

Mr. PRESIDENT: Yes.

Rai Bahadur Dr. HARIDHAN DUTT: In moving this amendment I do not myself hope that it will meet with the approval of this House. That requires an explanation as to why then I am taking up the time of the Council. Well, Sir, I must explain the position. I pointed out to this Council yesterday how there was a considerable feeling, which I also shared that girls under ten years, under whatever circumstances it may be, ought not to be allowed to remain in a brothel, be it with her mother or any body else. It has been said that this has already been debated and rejected. But I move this again, because it is more a question of principle than anything else.

I cannot reconcile myself to the position that this Council has taken that in their attempt to stop the traffic in girls they must agree to leave the girls of 10 or 11 years of age in the precincts of a brothel simply for the reason that removal would mean the removal of the girl from her mother. I have already pointed out and I do say again that the kindness that has been shown for the girls is a very wrong one.

Those who have the intelligence and foresight would at once see that in being kind to these girls they have been cruel to them by keeping the girls with their mothers who are prostitutes. I would once more ask our friends to consider whether it is kindness to leave a girl with her mother who employs her life and energy to prostitution. Is that kindness? I would like to have an answer from Mr. Basu. Is it fair to leave the girl with her mother and thus enable her to see what is going on around her in connection with the living of her mother? If they seriously want to help the girls, they ought to be cruel instead of being kind and remove them from their mothers. I do realise that the greatest difficulty is where to remove. These girls will have to be taken into refuges which must be provided by our society, if society seriously wants to ameliorate the condition of these girls in this country. To shed crocodile tears here and then to leave the matter as it is, I do not think proper. Those who have clamoured for this Bill ought to realise that their pockets are bound to be touched. If these girls are to be rescued, they must be sent to reformatories and refuges. To leave the girls to their mothers and pass this Bill and also not come to a solution as to where the girls should be sent after they are taken away from their mothers is the greatest surprise to me. I cannot too highly condemn the attitude taken by the Select Committee in this matter.

Khan Bahadur Maulvi AZIZUL HAQUE: This is another proposition which my friend Dr. Dutt has started. I quite admit that we are not really legislating in a manner that we should do. I quite feel that a girl of 10 years of age ought to have experience and commonsense enough to feel that she should not live on the earnings of her mother. When I see that even men do not have sufficient commonsense it is too much for me to expect that little boys and girls of 10 years of age should have wisdom at that age to judge that they ought to be separated. My friend suggests that they should be punished, but does my friend suggest seriously that jail is the proper place for them? Surely jail is not the proper place for them.

Rai Bahadur Dr. HARIDHAN DUTT: I never said that they should be sent to prison.

Khan Bahadur Maulvi AZIZUL HAQUE: He said that they should be punished with imprisonment. He has suggested in the clause that a son or a daughter of a prostitute over the age of 10 years who knowingly lives on the earnings of their mother shall be punished with imprisonment of either description for a term which may extend to three months or may be detained in some reformatory. I think the language is sufficiently clear and my objection is based on what I find in the language of this motion. I feel that it will be a most dangerous thing if we suddenly take these boys and girls away and leave them to the charge of the Hon'ble Mr. Prentice.

Rai Bahadur Dr. HARIDHAN DUTT: I have never suggested that these girls should be punished with three months' imprisonment. I have tried to comply with the existing law. The existing law says that there must be a conviction and instead of the punishment due to conviction she may be sent anywhere.

Mr. NARENDRA KUMAR BASU: I am afraid the explanation of Dr. Dutt tempts me to repeat the very same remarks that I made yesterday about amateur legislators but which I am very loth to repeat. He suggests that a son or a daughter of a prostitute over the age of 10 years who knowingly lives on the earnings of their—although it should be his or her—mother shall be punished with imprisonment, etc. My submission is that when he says that they should be sent to a reformatory that does mean that they should be convicted and he does make it an offence for a son or a daughter to live on the earnings of the mother. I submit that that is what Khan Bahadur Azizul Haque is protesting against. They must be convicted because they cannot maintain themselves and must live on the earnings of their mothers. I submit that the real effect of this amendment, if it were carried, will be that from the age of 10 onwards, say up to 18, the son or daughter of a prostitute will have to be maintained by the State. I do not see any justification for an amendment of this description, and notwithstanding the strong language that Dr. Dutt has used regarding the Select Committee and the protagonists of this Bill, of whom I am not one, I should say that the crocodile tears would be better applied to the sympathisers of the little children, who want to put them all either in the jail or reformatory from 10th year onwards than to the people who say that it is only after the age of 18 when they have some opportunity of earning their living by honest means that they ought to be separated from the mother. It is no use crowding the jails and reformatories—I believe there are only one or two reformatories in Bengal—without carrying out the purposes for which they were established. I do not think even Dr. Dutt will have the hardihood to say that all the sons and daughters of the prostitutes are prospective thieves and robbers. I do not see any reason why they should be sent to the reformatories and that at the cost of the public. This amendment ought not to be accepted by the House.

Babu JATINDRA NATH BASU: I oppose this amendment. Everyone in this House sympathises with the desire that Dr. Dutt has expressed about the custody of young children, but I do not think he has succeeded in fighting in his idea into this particular clause. This clause provides that any person over the age of 10 years who lives on the earnings of his mother shall be punished. Dr. Dutt would penalise the little child for living with the mother and bring him or her up before

the court as an offender. That is a thing which I think he himself does not contemplate. His idea of the Children's Act is not quite correct. A child is sent to a reformatory school if he has committed any offence. But if other children are brought up before the Juvenile Court, the court is to see to whose custody the child is to be sent. I do not think Dr. Dutt studied the Act before drafting his amendment which compels every child to be brought up before the court for punishment for living on the earnings of the mother. I hope he will see the defect of the wording of his amendment and will withdraw it.

The motion of Rai Bahadur Dr. Haridhan Dutt was then put and lost.

Babu JATINDRA NATH BASU: Sir, I beg to move that in the proviso to clause 9 (2), in line 1 the words "mother or a" be omitted.

Clause 9 (1) penalises a person who lives on the earnings of a prostitute. The proviso to the clause exempts the mother, son, or daughter of a prostitute from any punishment for living on the earnings of such a prostitute unless the court is satisfied that such mother, son or daughter is aiding, abetting or compelling her prostitution. The idea underlying the clause is that persons who are naturally dependent on the prostitute like her own child should not be penalised for living on her earning. A mother can hardly be said to be such a dependent. If you introduce the "mother," in this clause you will also have to let in the sister, brother and cousin and so on. What happens ordinarily in these cases is that the mother, who is a prostitute herself when she finds that she cannot continue to carry on the profession of a prostitute, makes her daughter carry on prostitution and lives on the daughter's earnings. That is the thing which we must prevent, and I see no reason why the mother in the proviso should be made dependent on the earnings of a prostitute. I therefore propose that the words "mother or a" be omitted. I do not exclude the son or daughter, because they are dependent on the parent.

The Hon'ble Mr. W. D. R. PRENTICE: I think it will save the time of the Council if I explain the views of the Select Committee on this question. I cannot agree with Mr. J. N. Basu in his interpretation of the section, because this proviso as it reads is a proviso to clause 2 which raises a presumption. Sub-clause (1) is the penalising clause under which any person who lives on the earnings of a prostitute can be punished. Sub-clause (2) says..... "it shall be presumed, until the contrary is proved, that he is living on the earnings of prostitution", and the proviso is that "the mother or son or daughter..... shall not be punished under this section for living on the earnings..... unless the court is satisfied that such mother, son or daughter is aiding or abetting or compelling her prostitution." If the mother is aiding

or abetting or compelling the prostitution of her daughter, she is punishable under the section as it stands. But the proviso provides that she shall be punishable merely for living with her daughter, and the Select Committee thought that was a reasonable thing to say. A son and daughter living with a prostitute are only punishable if they are aiding, abetting or compelling prostitution, and the Committee thought that the mother ought to be placed in the same position as the son or daughter.

Dr. NARESH CHANDRA SEN GUPTA: I think the Hon'ble Mr. Prentice has correctly explained the clause and Mr. Basu will see that if a mother is found to be aiding or abetting her daughter's prostitution she will be punishable, notwithstanding the provision of this clause in the Bill. All that the section requires is that it must be positively proved in the case of a mother that she is aiding or abetting in her daughter's prostitution. I do not want to add anything further with regard to this but I must say that the words "mother, son or daughter" have not been defined. Under the Bengal General Clauses Act, a son includes an adopted son, and on that analogy in the case of prostitutes, as adoption of daughters is permitted and is legal by custom, these words may include adoptive relations. I do not know whether this clause will, without an explanation, include mother, son or daughter by adoption. That being so, I think I would only draw the attention of the member in charge of the Bill to the fact that without any sort of explanation, this clause is liable to that interpretation.

The motion of Babu Jatindra Nath Basu was then put and lost.

Mr. SHANTI SHEKHARESWAR RAY: I beg to move that in the proviso to clause 9 (2), in line 1, after the word "daughter" the words "or an employee" be inserted, and in line 4, for the words "or daughter" the words "daughter or employee" be substituted.

Sir, I think even a prostitute is entitled to some amount of protection. According to this clause, if she maintains or employs a *durwan*, that *durwan* is liable to punishment. I think it is clearly not the intention of this House that these unfortunate girls, however vile their profession may be, should be in an unprotected condition.

Babu JATINDRA NATH BASU: I oppose this amendment. An employee cannot be said to be living on the earnings of the employer. The employee gets his wages for his services. I think Mr. Ray's personal staff cannot be said to be living on his earnings. They work under him and get their pay for the work they render. An employee cannot on a proper interpretation of the clause be said to be living on the earnings of prostitution.

The motion of Mr. Shanti Shekhareswar Ray was then put and lost.

The question that clause 9 stand part of the Bill was put and agreed to.

Clause 10.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

Mr. NARENDRA KUMAR BASU: I beg to move that clause 10 be omitted. The House will see that clause 10 aims at punishing procuration. For the benefit of the members of the House, I had better read the clause as it stands. It runs thus:

10. *Procuration.*—(*1*) Any person who induces a female to go from any place with intent that she may, for the purposes of prostitution, become the inmate of, or frequent a brothel, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both, and, if a male person, shall also be liable to whipping.

(*2*) An offence under this section shall be triable in the place from which the female was induced to go, or in any place to which she may have gone as a result of such inducement.

Sir, it may not be in the cognisance of the members of this House that procuration is punishable under various existing laws. Sir, we were told when the Bill was referred to Select Committee that one of the objects of this legislation was to put together all the scattered pieces of legislation about procuration and kindred subjects so as to make them generally known to the Magistrate and to others. I am not going to refer to the small local Acts of Bengal and Burma, but I do think that the Indian Penal Code is something which is doubtless familiar to Magistrates and other persons dealing with criminal matters. Section 366A of the Indian Penal Code is this: "Whoever, by any means whatsoever induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine."

Sir, some of the great protagonists of this Bill who are anxious to make procuration as difficult as possible have reduced the sentence provided in the Penal Code as ten years to three years in this Bill. Sir, I shall presently be told by the great lawyer Mr. S. M. Bose (who is whispering just now), that because clause 10 says "that any person who induces a female" and not a girl under the age of 18 years to go, etc. Therefore clause 10 is something different from section 366A, Indian Penal Code. I submit, Sir, that if that argument were used, it would make the provisions of the Bill even worse than it now stands, because

taking it that you are trying to suppress or are trying to punish in a particular case, the procuration or girls of 15 or 16, that is below 18 years, under the Penal Code the offender would be liable to ten years' imprisonment, but under your clause 10, he would not be liable to more than three years. I submit that it is really persons of tender age, at least minor girls below 18 years who have got to be protected. You are not thinking of protecting persons over 18 years, at least by this Bill. I submit, Sir, that far from making it more difficult for the procurer, far from making the provisions of the Bill more stringent, you are making it much less so, and giving the man a shorter time to think about his sins in the confines of a prison house. To make a vile think like that punishable with three years when the Indian law, as it now stands, makes it punishable for 10 years, is, I submit, Sir, a strange way of putting down this sort of vice. I submit that if the intention of the framers of this Bill have got to be carried out, it will be frustrated if you retain clause 10 of the Bill. Therefore I submit that clause 10 ought to be omitted.

Babu JATINDRA NATH BASU: I oppose this amendment. Mr. Narendra Kumar Basu in moving his amendment has already pointed out that as regards one particular this clause differs from the Indian Penal Code, namely, the person who is taken from one place to another has under the Penal Code to be under 18 years of age while the clause in the present Bill will operate if such a person is a female and not merely a minor girl under the age of 18 years. He ought to have noticed another difference between the provisions of the Indian Penal Code and the present Bill. Under the Indian Penal Code, it is stated that the girl is to be brought to any place with the intent that such girls may be, or knowing that it is likely that she will be forced to illicit intercourse with another person who is not her husband. (A voice: Not illicit, but for the purpose of promiscuous intercourse.) Here we are attacking the traffic in girls and women and for that purpose we say that it need not be proved as section 366 (*a*) requires that the girl is brought to a place for the purpose of having illicit intercourse with another person. That has to be proved under the provisions of the Indian Penal Code. It will be enough under the provisions of this Bill to prove that the girl has been brought to the place and that she is there with the intent that she may become the inmate or a frequenter of a brothel. That should be enough. We are attempting to get at the person who induces a female to go from any place with intent that she should be the inmate of a brothel that is to say of a place which is a mart where the traffic ordinarily goes on. Such a person is not attacked under section 366 (*a*) of the Indian Penal Code. I may also remind the House that I am merely repeating an existing provision of law as contained in Bengal Act 13 of 1923. That provision is also contained in the Burma Act of 1921. The provisions of these earlier

Acts were enacted in spite of the provisions of the Indian Penal Code, and I do not see, having regard to the difference that exists in the wording and intentions of the provisions, where one relates to a specific case with a specific person while this relates to the trade generally why a general provision aiming at the trade should not be enacted. I see no reason why this clause should be deleted altogether. I oppose the amendment.

Dr. NARESH CHANDRA SEN GUPTA: I am sorry I have not been able to appreciate the arguments of Mr. J. N. Basu against this amendment. We lawyers are famous for distinctions without any difference. He says there is a distinction here: no doubt there is a distinction but it is a distinction without a difference. The female need not necessarily be under 18 years of age, but, Sir, look at realities. Look at the traffic in girls. How many cases have there been in which girls above the age of 18 are procured for immoral purposes? If you look at the investigations carried on with regard to the international traffic in girls you will find that it is always the minor girls who are sought by the procurers. Procurers will not waste their resources upon getting hold of grown up women. Unfortunately, Sir, we are legislating on the subject without really anything to go upon. There has been no systematic study of the institutions against which we are so vigorously fighting. I do not know if such facts and statistics exist, but I am positive that if these statistics existed to-day they would disclose that procuration almost invariably takes place in respect of girls under the age of 18. That is with reference to the first distinction which Mr. Basu has pointed out. Then he says that the purposes of procuration in section 566A of the Indian Penal Code and section 10 of the present Bill are different——

(At this stage the Council was adjourned for 15 minutes.)

(After adjournment.)

The next point of distinction which Mr. Basu makes is with regard to the intention to be proved. Under section 366A the intention required is that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person, etc. Mr. J. N. Basu thinks that he is providing a shorter cut, and that to prove intention it is sufficient if the girl becomes an inmate of, or frequents, a brothel. There is that distinction but I would ask him, is there in Bengal any single magistrate, who would not convict any person under section 366A if it is proved that he took a girl away with him and placed her in a brothel or that he was going to take her to a brothel? That would be sufficient evidence of the intention required under section 366A. It must be familiar to the lawyer members in this House how the intention has got to be proved. Circumstances have to be proved from which the intention may be inferred and this would be certainly a circumstance which would be the clearest evidence of the

intention required by section 366A. Now, Sir, Mr. J. N. Basu thinks that because this provision exists in Bengal Act of 1923, we must take it without question. Sir, the position is this: In connection with section 366A, which was also introduced into the Indian Penal Code in the year 1923, the Indian legislature thought that it would be enough if they combated the traffic in minor girls. The Bengal legislature in its greater wisdom took a more ambitious flight and sought to include trafficking in adult women also. The question is who was the wiser body. I would suggest a short test and ask how many prosecutions there have been under the Bengal Act of 1923 for procuration of adult women. I should be very much surprised to be told that there has been any, but if there has been any at all, it is an extremely exceptional case. Sir, traffic in minor girls is a crying evil but traffic in audit women is, I should say, anything but a crying evil. I have an experience of having intercepted a woman being taken away from her home, it might be, to a brothel in Calcutta. I have had an opportunity of investigating that matter and found it was not a case of the young men, who were accompanying the woman having seduced her, but of the woman having induced these young men to live with her. In nine cases out of ten in which adult women have been carried away otherwise than by force or by fraud, it would be found that the position is like that. Is there any evidence to show that there is any big trafficking in adult women in this country in face of the fact that the relevant section in the Act of 1923 is not shown to have been acted upon to such an extent that should justify our persisting in this course? I think it would be wiser to follow the lead of the Indian legislature of 1923 and confine our attention to trafficking in minor girls only. We ought to be quite content if we can stop the traffic in minor girls and I think we can do more effectively by the application of section 366A than by the proposed section.

Babu KHETTER MOHAN RAY: With due deference to the opinion of Mr. Narendra Kumar Basu and Dr. Naresh Chandra Sen Gupta I must say that offences under section 366A of the Indian Penal Code and the offences under the clause 10 in the present Bill are quite different. The gist of the offence under section 366A is that a minor girl must be induced to go from any place, etc., with intent that such girl may be forced to illicit intercourse, whereas in this particular case, that is under clause 10, the female must be induced to go from any place with intent that she may be an inmate of a brothel for purposes of prostitution, etc. Here the words used are "for prostitution". Prostitution no doubt means illicit intercourse, but it means more than that; it means illicit intercourse for hire. Under section 366A of the Indian Penal Code it is only illicit intercourse; it may be for hire or without hire, and it has not been defined in the Indian Penal Code. There are other distinctions too. One distinction pointed out

by Mr. J. N. Basu is that a female minor under the age of 18 shall be punished, etc., whereas in clause 10 of this Bill when any female is induced by any man to go from place to place with the intent that she may for the purposes of prostitution, become the inmate of, or frequent a brothel, he shall be punished with imprisonment of either description for a term which may extend to three years, etc. These are the two distinct elements in the offence; one may be present in one case and the other may be absent in another case. Considering all these, the offence contemplated under clause 10 is more comprehensive than that contemplated under section 366A of the Indian Penal Code. I think section 366A contemplates a graver offence than clause 10. For all these reasons I oppose the amendment of Mr. Narendra Kumar Basu.

Mr. SHANTI SHEKHARESWAR RAY: I support the motion of my friend Mr. Narendra Kumar Basu. It appears to be a very important section and I would like to point out certain difficulties in the way and the great hardships that it will entail. Here we find that any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of, or frequent a brothel, shall be punished with imprisonment of either description for a term which may extend to three years. Now, I think a female covers a prostitute too. I do not think it is the intention of the author of the Bill to punish people who are entertained by a prostitute so severely as that. If it is intended that that should not cover prostitution that point should be cleared up. It often happens that one goes to one's mistress or to some such place and a man who goes to his mistress, who may be a prostitute, to a brothel which however he does not know is a brothel, will he be liable to be punished for that so severely. It is rather an indirect method to make people immoral. If you want people to be moral and if you think that men should not be entertained by prostitutes, say that. But you do not say that; you allow prostitution to flourish, you have no objection to that, but under this provision if a person with her full consent takes his mistress, he may involve himself into very serious consequences. I think it will be a great hardship for a good many people, and in passing a legislation of this sort you should be very careful that you do not sanction anything that has not the sanction of a large body of men behind it. Sir, either this section will remain a dead letter or it will create great trouble.

The motion of Mr. Narendra Kumar Basu was then put and a division taken with the following result:

AYES.

Ali, Maulvi Nasser.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Rahim, Maulvi Abdul.
Regue, Kazi Emdadul.
Ray, Mr. Shanti Shekhareswar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Ahmed, Nawabzada Khwaja Muhammad, Khan Bahadur.
Austin, Mr. J. M.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Burn, Mr. R. N.
Chaudhuri, Khan Bahadur Maulvi Ahmezzaman.
Chowdhury, Haji Badi Ahmed.
Fawcus, Mr. L. K.
Gangoli, Rai Bahadur Sushi Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Henderson, Mr. A. G. R.
Hogg, Mr. G. P.
Hooper, Mr. S. G.
Hossain, Maulvi Muhammad.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mahendra Behary.
Nag, Reverend S. A.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. G. V.
Prentice, the Hon'ble Mr. W. D. R.
Procter, Lt.-Col. A. H.
Quasem, Maulvi Abul.
Rahoem, Mr. A.
Rahman, Mr. A. F. M. Abdur.
Rai Mahasai, Manindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Reid, Mr. R. N.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sadeqtullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. S. R.
Shah, Maulvi Abdul Hamid.
Stapleton, Mr. H. E.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 11 and Noes 51, the motion was lost.

The question that clause 10 stand part of the Bill was put and agreed to.

Clause 11.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

Mr. NARENDRA KUMAR BASU: I beg to move that clause 11 be omitted.

Sir, I will first of all read section 373 of the Indian Penal Code which was amended in 1924 after the Bengal Act XIII of 1923 to read as follows:—

"Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

And to that section an explanation was added later which is very important. The first explanation is—

"Any prostitute, or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution."

Sir, I want to draw the attention of the House to the very wide terms of this section and the terms of the explanation which make it incumbent upon the person, if that person is a prostitute or person keeping or managing a brothel, to prove that he or she bought, hired or obtained possession of a female under the age of 18 for an innocent purpose. That is the general law of the land as it stands and in place of that a special legislation is sought to be introduced by clause 11 which says—

"Any person who brings or attempts to bring or causes to be brought into any place in which this Act is in force any female with a view to her earning hire, or being brought up to earn hire as a prostitute, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both, and, if a male person, shall also be liable to whipping."

I submit, Sir, except regarding the age of the female this clause is much less wide than section 373, Indian Penal Code, that is to say, section 373 would not make it an offence if a female above the age of 18 is brought into a brothel. That is the point of distinction between section 373 and this one. I would like the House to consider what the object of the Bill is. The object of the Bill is primarily to suppress traffic in children and minor girls. I do not think the object of the Bill, as has been stated in uninformed quarters, is to check prostitution, and so far as what is known as White Slave traffic is concerned, I take it that the Bill is only intended to aim at traffic in children. You make it applicable by the new section to traffic in adult women also. But what you are doing is that at the same time you are making traffic in little children below the age of 18 much less penal than what it now is under the Penal Code. You are no doubt including the importing of females above the age of 18. But so far as traffic in children is concerned, you are making the punishment less than one-third of what it is now. You are no doubt widening the field by including females above the age of 18, but so far as females below the age of 18 are concerned, and they are the vast majority, you are reducing the punishment from ten to three years. Is that the policy the Bill is intended to follow? That aspect of the question, on account of my inability to express it, was

not properly put before the House when I moved my previous amendment. I think it was my foolishness and mistake, not being a political officer or a politician, and not an intentional aberration of memory. I say that I made a mistake. I did not tell the House how the new Bill was minimising the offence so far as children under 18 were concerned and it is just the thing that I think ought to appeal to the members of this House. You are trying to legislate for the protection of little children and to crush the traffic in children as much as you can——

[It being 7 p.m. of the clock,]

Mr. PRESIDENT: Mr. Basu I must adjourn the House now.

The House is no doubt aware that His Excellency the Governor allotted 30th and 31st for Government business and I am glad to be able to say that His Excellency has extended that time. The House will take up this Bill to-morrow, as it was included in the List of Business to be transacted.

Adjournment.

The House then adjourned till 10-30 a.m., on Saturday, the 1st April, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Saturday, the 1st April, 1933, at 10-30 a.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers, and 85 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Cottage industries at Bankura.

*128. **Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the district of Bankura abounds with natural resources and artizans for the bell-metal, silk, lac, soap and other industries?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government have taken to render help or give technical advice to the cottage industrialists of the Bankura district in

(*i*) weaving with improved handlooms;

(*ii*) bell-metal industry with the cheaper and lighter alloy discovered by the metallurgical experiments at the Industrial Research Laboratory;

(*iii*) purifying Kusum and Konchra oil and fat which are produced in the district and making soap with them;

(*iv*) improving the conch-shell industry by the introduction of the newly invented shell-cutter; and

(*v*) manufacture of cutlery under improved methods?

SECRETARY to GOVERNMENT, AGRICULTURE and INDUSTRIES DEPARTMENT (Mr. L. R. Fawcus): (*a*) The only information Government have on the subject is what is contained in the

Bengal District Gazetteer, Bankura, and the Report on the Survey of Cottage Industries in Bengal (2nd edition), to which reference is invited.

(*b*) (*i*) (*ii*) (*iii*) (*iv*) and (*v*) A statement is laid on the table.

Statement referred to in the reply to starred question No. 128 (b).

(*b*) (*i*) Demonstrations in the improved method of waste silk spinning and silk weaving on fly-shuttle looms and Jacquards and also in silk and cotton bleaching, dyeing and printing were given at Vishnupur and Sonamukhi in the district of Bankura in the years 1922 and 1927. As a result of these demonstrations about 100 Jacquard machines have been introduced amongst the silk weavers of Vishnupur, and it is presumed that the weavers are now able to earn a fair income by working on these machines.

(*ii*) A demonstration party was deputed in August, 1930, to Vishnupur which is a very important seat of the brass and bell-metal industry, to demonstrate amongst the local brass and bell-metal workers the improved method of casting and polishing as well as the manufacture of bell-metal articles with the new alloy invented by Industries Department. As many as 35 workers attended the demonstration classes and completed their training, and they have been, it is believed, utilising their knowledge in the improvement of the local industry.

(*iii*) The Industries Department has had until recently no regular demonstration parties for demonstrating the economic use of various vegetable oils for use in soap making. Under the general unemployment scheme four such parties will be working from the beginning of the next financial year, and it may then be possible to send one of the parties to Bankura if there be sufficient local demand for the same.

(*iv*) Demonstrations of the working of the new conch-shell cutter invented by the Department of Industries were given in Vishnupur in the years 1929 and in January, 1932. One such machine has been permanently installed in the Vishnupur Industrial School, where it has since been working. A sum of Rs. 400 was sanctioned as a capital grant by the Industries Department towards the purchase of a conch-shell cutting machine for use of the Vishnupur Industrial School in the year 1929.

(*v*) It has hitherto not been possible, mainly owing to financial stringency, to send a demonstration party to Bankura to demonstrate the manufacture of cutlery articles by improved methods. Under the new unemployment scheme four such parties will be working from the next financial year, and it may then be possible to send one of the parties to Bankura if there be sufficient local demand for the same.

Maulvi SYED MAJID BAKSH: Has the hon'ble member, who has put the question, seen the report on the survey of cottage industries in Bengal?

(No reply was given.)

Industries of the Bankura district.

***129. Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that agriculture is in a very backward condition in the district of Bankura for reasons of inadequate rainfall, the nature of the soil and the ignorance of the agriculturists;

(*ii*) that agriculture alone is not sufficient to support the people;

(*iii*) that even during the time of the East India Company, Mallabhum with its capital at Vishnupur was in possession of flourishing industries in bell-metal, cutlery, silk, lac, conch-shell and other articles;

(*iv*) that only a few years ago the braziers of the Bankura district were supplying bell-metal utensils to the whole province of Bihar and part of the United Provinces;

(*v*) that almost all the industries, as usual then, were being conducted as cottage industries;

(*vi*) that most of those industries have deteriorated owing to clashing with the concerted and mechanised industries recently introduced; and

(*vii*) that the deterioration of the industries has impoverished the people and put them to distress?

(*b*) What steps have the Government taken and what help have they rendered for the revival and improvement of the industries of the district?

(*c*) How many times during the last two years has any officer been sent to the district of Bankura from the Industries Department to give technical advice to the industrialists there?

Mr. L. R. FAWCUS: (*a*) (*i*) and (*ii*) Yes.

(*iii*) The only information Government have on the subject is what is contained in the Bengal District Gazetteer (Bankura), to which reference is invited.

(*iv*) Government have no information.

(*v*) Yes.

(*vi*) Deterioration has taken place: the ignorance and conservatism of the workers has been a contributory cause.

(*vii*) Deterioration of industries is partially responsible for impoverishment of the people.

(*b*) The member is referred to the statement in reply to part (*b*) of his starred question No. 128 of this session.

(*c*) Four times.

Babu SATYA KINKAR SAHANA: Will Secretary be pleased to state if he has ever tried to gather information from Havelock's Memoirs about the cottage industries which flourished in Bankura at the time of Malla Rajas?

Mr. L. R. FAWCUS: I am afraid, not.

Settlement of char lands with fishermen.

*130. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that several families of fishermen were settled by the then Collector, Mr. Clayton, in a *char* in Patharghatta after the acquisition of their homestead and that during revenue survey operations some settlement officers recorded those fishermen as trespassers, rightful ownership being recorded in the name of the heirs of one Mahendra Chandra Ghosal, a Dacca man?

(*b*) Is it also a fact that the settlement officers who were in charge were all tenants of the said Mahendra Chandra Ghosal?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Some *char* land was settled by the Collector with some fishermen on the assumption that Government had the right to do so. It was found later on that it was an accretion to the main land and that the proprietors of the main land had the right to settle. As efforts to effect a compromise failed the fishermen were recorded as trespassers.

(*b*) No.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state the nature of the compromise which was attempted and failed?

The Hon'ble Sir PROVASH CHUNDER MITTER: I would like to have notice of that.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state why the real owners of the *char* land were ejected from there and were recorded as trespassers?

The Hon'ble Sir PROVASH CHUNDER MITTER: The real owners have the right over the land and so the others were recorded as trespassers.

Haji BADI AHMED CHOWDHURY: Will the Hon'ble Member be pleased to state whether those fishermen will be allowed to live in their houses on the same terms?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is a matter to be decided by court.

Damage caused by the hailstorm in the districts of North Bengal.

*131. **Maulvi HASSAN ALI:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*a*) whether he is aware that towards the last part of December, 1932, there were several hailstorms in the districts of North Bengal, especially in the districts of Dinajpur, Rangpur and Jalpaiguri, causing great damages to the paddy crop ripe for harvest;

(*b*) whether he is aware that in thanas Pirganj, Bochaganj, Khansama, Birganj and Thakurgaon, in the district of Dinajpur particularly, there are large areas in which no trace of paddy crop could be found owing to these hailstorms; and

(*c*) what is the nature of the damages caused to the paddy crop?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Hailstorms occurred in places in all the three districts causing more or less serious damage to the paddy crop in certain areas.

(*b*) No.

(*c*) The hailstorm damaged unharvested paddy in an area of about 160 square miles in Jalpaiguri, about 20 square miles in Rangpur and in certain parts of thanas Itahar, Raiganj, Ranisankail, Pirganj and Khansama police-stations in Dinajpur.

Maulvi SYED MAJID BAKSH: Has the Hon'ble Member made any arrangement for relief work in these devastated areas?

The Hon'ble Sir PROVASH CHUNDER MITTER: Adequate steps have been taken.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to let us know the nature of the works that have been undertaken?

The Hon'ble Sir PROVASH CHUNDER MITTER: I would like to have notice of that.

Rules for the Bengal Senior Service of Engineers.

*132. **Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Minister in charge of the Public Works (Roads and Buildings) Department be pleased to state whether it is a fact—

(*i*) that the Roads and Buildings Branch of the Public Works Department has been provincialised so far as new recruitments are concerned; if so, when;

(*ii*) that before provincialisation, Europeans and Indians alike were appointed as Assistant Executive Engineers in the Roads and Buildings Branch; and

(*iii*) that in the "Recruitment Rules for Provincial Services" published in 1930, it has been laid down that persons of non-Asiatic domicile only should be appointed as Assistant Executive Engineers; if so, what is the meaning of this racial discrimination?

(*b*) Is the Hon'ble Minister aware that in the Irrigation Department and the Indian State Railways, Indians were, and are still, appointed directly as Assistant Executive Engineers on an absolutely equal basis and prospects with Europeans?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that against the appointment of three Europeans as Assistant Executive Engineers in the Roads and Buildings Branch of the Public Works Department during recent years, there has been no similar appointment of a single Indian in the "Bengal Senior Service of Engineers"; if so, why;

(*ii*) that for many years until recently, the first man in the Practical Examination held by the Public Works Department at Purulia used to be appointed directly as an Assistant Executive Engineer in the Indian Service of Engineers;

(*iii*) that in the Roads and Buildings Branch, the Indian Service of Engineers is going to be substituted by the new service entitled "The Bengal Senior Service of Engineers"?

(*d*) Are the Government considering the desirability of following the same practice as mentioned in clause (*c*)(*ii*) and appoint Indians directly as Assistant Executive Engineers in the "Bengal Senior Service of Engineers"?

SECRETARY to GOVERNMENT, PUBLIC WORKS (ROADS AND BUILDINGS) DEPARTMENT (Mr. L. R. Fawcus): (*a*) (*i*) Yes, the duties of the Indian Service of Engineers have been provincialised from 1st May, 1930.

(*ii*) Yes.

(*iii*) It has been considered necessary in the interests of the service that, at any rate for the time being, a proportion of recruits of non-Asiatic domicile should be taken directly into it. The reason why Indians are not recruited directly in the same way is that it is preferable to take into the Senior Service an officer who has had the opportunity of proving his executive and administrative capacity in the Junior Service rather than a young man who has passed examinations brilliantly but has not proved himself in the same way.

(*b*) Yes.

(*c*) (*i*) Yes, because the recruitment rules for the Bengal Senior Service of Engineers do not provide for a similar appointment of a candidate of Asiatic domicile.

(*ii*) Yes.

(*iii*) Yes: this replacement has already begun.

(*d*) Not at the present time.

Mr. NARENDRA KUMAR BASU: With regard to answer (*a*) (*iii*), will the Secretary be pleased to inform us whether the persons of non-Asiatic domicile taken directly into the service had proved their executive and administrative capacity in any sphere before?

Mr. L. R. FAWCUS: I think the principle which underlies the decision of 1930 was that it is desirable to have a nucleus of trained and exprienced Engineers with a considerable leavening of young men of non-Asiatic domicile.

Mr. NARENDRA KUMAR BASU: May I repeat my question, Sir? I wanted to know if any of those young recruits had previously proved his executive and administrative capacity in any sphere before he was appointed?

Mr. L. R. FAWCUS: As far as I know recruits of non-Asiatic domicile, before they are brought out to India, have previously no opportunity to prove their administrative capacity.

Mr. NARENDRA KUMAR BASU: Will the Secretary be pleased to say whether these young men of non-Asiatic domicile are in any way superior to the young Indians who had passed their examination brilliantly?

Mr. L. R. FAWCUS: I think this question is more in the nature of a general question on European recruitment and not really confined to the Public Works Department; it is hardly possible for me to reply on the general policy of Government.

Mr. NARENDRA KUMAR BASU: Is that the policy which has been laid down for all departments of Government or only for the Public Works Department?

Mr. L. R. FAWCUS: It is possible that this point will come up during the forthcoming debate on the White Paper. I do not think I can speak on behalf of other departments.

Mr. NARENDRA KUMAR BASU: With reference to answer (*c*) (*i*), will the Secretary be pleased to state whether the same rules govern the appointments in the Public Works Department and in the department of State Railways? If not, then why this distinction in the Public Works Department?

Mr. L. R. FAWCUS: When we framed the rules, we did it in the interests of our own service. I cannot say why the Irrigation Department and the State Railways did not adopt these rules.

Mr. SHANTI SHEKHARESWAR RAY: Will the Secretary be pleased to state whether preference is given to young men of non-Asiatic domicile over young Indians?

Mr. L. R. FAWCUS: I was under the impression that I had already answered this question.

Mr. PRESIDENT: I will put it clearly to Mr. Fawcus: In your answer you say that Indians are not recruited direct in the same way as persons of non-Asiatic domicile, because it is preferable to take into the service men who have had an opportunity of proving their executive and administrative capacity. Probably the questioner means that you have drawn a comparison between the two and he wants you to say why you make such a distinction. Is it not so?

Mr. SHANTI SHEKHARESWAR RAY: Yes, Sir.

Mr. L. R. FAWCUS: It is rather difficult for me to answer the question without discussing the policy which has been laid down by Government.

Mr. SYAMAPROSAD MOOKERJEE: Will the Secretary be pleased to state as to why, when the rule was altered in regard to recruitment of Indian officers, the same rule was not applied to non-Asiatic officers?

Mr. L. R. FAWCUS: I was under the impression that I had already answered this question.

Mr. SYAMAPROSAD MOOKERJEE: May I repeat my question? Are the Government aware that previously the rules allowed direct recruitment of both Europeans and Indians as Assistant Executive Engineers? But when the rules were altered——

Mr. L. R. FAWCUS: At the time when we consider the question, we decided that we required the services of experienced and trained Engineers, but that for the time being we should have also a leavening of officers recruited in Europe. It was not found possible to get senior officers as we could not afford to pay them the salary they asked: Therefore, we recruited young men from Europe. So far as Indians are concerned, we stick to the principle of having experienced and trained men who have already proved their capacity in the Junior Service.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is it the policy of Government in the Public Works Department that officers recruited from Europe do not require any experience?

Mr. L. R. FAWCUS: I am sure I have answered this question before. It is a question of policy of European recruitment and I cannot discuss that here.

Mr. SHANTI SHEKHARESWAR RAY: To what countries do these recruits of non-Asiatic domicile generally belong?

Mr. L. R. FAWCUS: The rules mentioned simply "Non-Asiatic." There is nothing racial at all.

Mr. SHANTI SHEKHARESWAR RAY: Is it the intention of Government to give preference to Frenchmen, Germans, Africans and others over Indians?

(No answer was given.)

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Undisbursed landlord's fee for payment to the district board, 24-Parganas.

106. Rai Bahadur JOGESH CHANDRA SEN: Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) the total amount of undisbursed landlord's fee lying with the Government for payments to the district board of the 24-Parganas; and

(*ii*) when the amount will be paid to that board?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) About Rs. 10,000.

(*ii*) After Accountant-General, Bengal's verification which is in progress.

Steamer plying between Sirajganj and Mymensingh.

107. Dr. NARESH CHANDRA SEN GUPTA: (*a*) Is the Hon'ble Member in charge of the Marine Department aware of the inconvenience suffered by the passengers between Calcutta and Mymensingh owing to the late arrival of the Calcutta train to Mymensingh?

(*b*) Is it a fact that the delay is mainly due to the age of the steamer plying between Sirajganj and Jagannathganj?

(*c*) Is it a fact that it takes about 4 hours to ply a distance of about 25 miles?

(*d*) Are the Government considering the desirability of drawing the attention of the Steamer Companies to this matter?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) No complaint has been received by Government.

(*b*) The steamer is not a modern vessel such as is employed on other mail services. The Steamer Companies report that the service is run at a heavy loss, and that in view of this loss the employment of a faster and more modern vessel is not justified.

(*c*) The scheduled times for the trip between Sirajganj and Jagannathganj are 3 hours 45 minutes upstream, and 2 hours 50 minutes

downstream. The actual distance run is over 25 miles, but it varies with the changes in the channels.

(*d*) No.

Rai Bahadur SATYENDRA KUMAR DAS: With reference to (*b*) will the Hon'ble Member be pleased to state whether the steamer companies employed a modern and faster vessel three years ago when these services were running at a profit?

The Hon'ble Mr. J. A. WOODHEAD: I must ask for notice.

Rai Bahadur SATYENDRA KUMAR DAS: Since when and for how long the present steamer "Abhor" is running in that route?

The Hon'ble Mr. J. A. WOODHEAD: The present steamer? I do not know, Sir.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it a fact that the present steamer "Abhor" is running in the service for the last 30 years?

The Hon'ble Mr. J. A. WOODHEAD: I do not know, Sir.

Maulvi ABUL KASEM: On a point of order, Sir. I understand that to-day's meeting is allowed to be held by the kindness of His Excellency the Governor. It was not a fixed day. If to-day's meeting had not been held, all these questions would not have been answered. In this connection, I appeal to you, Sir, to see that questions in this House are answered in due time. Government answer questions at their own sweet will without any notice, and I submit that you should insist upon the Government answering the questions after 15 days of the receipt of the same.

Mr. PRESIDENT: That is not a point of order.

Maulvi ABUL KASEM: Sir, how can we then draw your attention to this? My submission is that Government are bound to answer questions of which 15 days' notice has been given. And the period for answering them cannot be left to the sweet will of Government.

Mr. PRESIDENT: I think I have dealt with that matter times without number. I do not think I could throw further light on it; but, I may assure you that I always keep a vigilant watch over your *real* rights.

LEGISLATIVE BUSINESS

NON-OFFICIAL MEMBER'S BILL.

The Bengal Suppression of Immoral Traffic Bill, 1932.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. When the House rose last night, you were pleased to say that His Excellency the Governor has directed a meeting of the Council to be held to-day for the transaction of official business. I submit that so far as the present Bill is concerned, it is not official business at all. Secondly, if you kindly look at section 18, rule (6), you will find that on an official day no business other than Government business shall be transacted except with the consent of the Local Government, that is to say, of the Governor in Council who can allow non-official business to be taken up on a day after the official business is over. Sir, we have not heard that the Local Government has given such permission. Moreover, when you adjourned the Council yesterday you said that the Council would take up official business to-day. But that is not being done.

Mr. PRESIDENT: I think I did indicate that the allotted time was extended for official business and this Bill, which would be taken up to-day. Members were already circularised that this Bill would have priority over other matters. I may also tell you that we have the authority of the Local Government to deal with this matter to-day.

Clause 11.

Mr. NARENDRA KUMAR BASU: Sir, when the House rose last night and when several of my friends had gone away, I was moving amendment No. 42. For the edification of my friends who were not present last night, I shall give a résumé of my argument as shortly as possible. I shall draw the attention of the House once again to section 373 of the Indian Penal Code which was amended in 1924 and was given its present shape: "Whoever buys, hires or otherwise obtains possession of any person under the age of 18 years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose or knowing it to be likely that such person will at any age be employed or used for any such purpose shall be punished with imprisonment of either description for a term which may extend to 10 years and shall also be liable to fine." And the explanation is that "any prostitute or any person keeping or managing a brothel who buys, hires, or otherwise obtains possession of a female under the age

of 18 years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution." Comparing that with the clause in the present Bill, I shall submit to the House that for females below the age of 18 years, that is to say, minor female children, the penalty has been very much minimised in this Bill. Where the Penal Code awards a maximum sentence of 10 years in the case of minors, the Bill only gives a sentence of 3 years and also makes fine an alternative sentence, whereas under the Penal Code it must be imprisonment and there may also be an order of fine. So far as the females above 18 years are concerned, the Penal Code is silent and this Bill does bring in females above 18 years of age. But as I pointed out, the policy of this piece of legislation is to protect females of tender age and stop illicit traffic in women and children. Cases of illicit traffic in adult women must be very very scarce. My submission is that the House would be well advised to leave the provision of the Penal Code intact, because my lawyer friends will remember that it has been held in several High Courts that if a certain thing comes under the general law of the land as also under the special law, it would be the special law that would govern the particular trial. If this is a special law for the purpose of suppression of immoral traffic, in many cases where the female attempted to be imported was below 18 years of age the courts would naturally hold that it would be the provision of this Bill, or Act when enacted, that would govern the case and not the general law of the Penal Code. I put it to the member in charge of the Bill as well as to the House whether it is the intention to make importation of females below 18 years of age less difficult or more difficult for the trafficker. If it is the intention to make it more difficult for the trafficker, then I submit this clause of the Bill should be deleted.

Maulvi TAMIZUDDIN KHAN: Sir, I do not agree with Mr. Narendra Kumar Basu that this clause should be omitted. Mr. Basu said yesterday that the whole object of the present legislation is to put a stop to immoral traffic in minor girls, but there my friend is mistaken. That is not the only object of the Bill. The object is to stop immoral traffic not only in minor girls but in women in general. So far as this section is concerned it makes it an offence if a woman, above the age of 18, is imported for immoral purposes. If this clause is deleted, the importing of women above the age of 18 will not be an offence. The Penal Code only deals with cases in which the women in question are below the age of 18. The evil of traffic in women above the age of 18 is also a growing evil and I think the object of the Bill should be to attack that problem also. If this clause is deleted, the Bill will be defective. My friend says that where there is a general law and a special law, the special law prevails in preference to the general law, but I think as this law is a provision of the Penal Code, the effect of

the passing of this clause will not be a repeal of that section of the Penal Code. The Penal Code section will stand in spite of this section of the Bill. Therefore I do not think any harm will be done if this clause is passed into law. On the other hand if this clause is omitted, we will be leaving alone a class of cases which require the attention of the legislature.

Reverend B. A. NAG: On a point of order, Sir. I should like to ask if His Excellency the Governor has directed any time-limit for the discussion of this non-official business. If he has not, is it within your power, if necessary, in consultation with the House, to put a time-limit upon the discussion of this non-official Bill?

Mr. PRESIDENT: I do not think it is necessary to impose any such time-limit in this case.

Babu KHETTER MOHAN RAY: Sir, I oppose this motion and my reasons are these. Section 373, Indian Penal Code, deals with quite a distinct offence quite different from the offence contemplated in clause 11 of the Bill. If we analyse section 373 we find that it deals with buying, selling, hiring or otherwise obtaining possession of any person with intent that that person may be used or employed for the purpose of prostitution or illicit intercourse with another person or for immoral or unlawful purposes. Now, Sir, in the Bill we find that the clause in question deals with the removal of a female. The Bill says that any person who brings or attempts to bring or causes to be brought into any place in which this Act is in force any female with a view to her earning hire or being brought up to earn hire as a prostitute shall be punished with imprisonment, etc., etc. Now, if we analyse the clause of the Bill we find that the first ingredient is removal or attempt at removal; secondly, the subject matter in respect of which an offence is committed must be a female and not "any person" as in section 373. She must be a female and the object of removal must be for hire or for being employed as a prostitute or being brought up for the purpose of prostitution and illicit intercourse and for immoral or unlawful purpose. If a person buys, hires or otherwise obtains possession of a boy and engages him for the purpose of theft or stealing which is unlawful, it comes within the provision of section 373, Indian Penal Code, whereas clause 11 of the Bill deals only with females whether under age or major. If she is removed from one place to another for the purpose of illicit intercourse then the offence is committed. In view of these things I do not see how the two offences are one and the same; one is trivial and the other is serious. I think the clause penalises those persons who remove any female for the purpose of prostitution only and not for any unlawful purpose as in section 373. For these reasons I submit that it will not minimise offence

under section 373. I believe this disposes of the contention of Mr. Narendra Kumar Basu.

Babu JATINDRA NATH BASU: Mr. Khetter Mohan Roy has pointed out the difference between this clause and section 373 of the Penal Code. First of all I should say that clause 373 does not apply to all females but only to minor persons. There is also another element which Mr. N. K. Basu did not bring to the notice of the House, that it only tries to bring within the purview of the law persons who "buy, hire, or otherwise obtain possession of" any person, whereas clause 11 of the Bill applies to any person who "brings or attempts to bring or causes to be brought, etc."; there is no element here of buying, hiring or obtaining possession of a person. For instance, a woman who has never visited Calcutta before comes on a pilgrimage; she may be taken to a brothel by a person without his buying, hiring or obtaining possession of her. Those persons have to be got hold of. We are dealing with a particular kind of traffic; so, I think clause 11 is a necessary clause and should go in.

Mr. J. N. GUPTA: Sir, I suggest that the question be now put.

The motion of Mr. Narendra Kumar Basu was then put and lost.

The question that clause 11 stand part of the Bill was put and agreed to.

Babu JATINDRA NATH BASU: Before moving my amendment which stands next on the paper, may I have your permission to move only sub-clause (1) and omit sub-clauses (2) and (3)?

Mr. PRESIDENT: You want to move amendment No. 43, in an amended form, as indicated by you just now.

Babu JATINDRA NATH BASU: Yes, Sir.

Mr. PRESIDENT: All right, I have no objection.

Babu JATINDRA NATH BASU: I beg to move that after clause 11 the following be inserted, namely:—

Detention as prostitute in brothels, etc.

"12. (*1*) Any person who detains—

(*a*) any female under the age of eighteen years, against her will in any house, room or place in which prostitution is carried on, or

(b) any female against her will in or upon any premises with intent that she may have sexual intercourse with any man other than her lawful husband, whether with any particular man or generally,

shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to one thousand rupees or with both."

This clause is intended to bring within the purview of the law persons who detain a female under the age of 18 years against her will in any house or room where prostitution is carried on or any female against her will in any premises with the intent that she may have intercourse with persons other than her husband, and the punishment is prescribed for such person or persons who help in the detention or cause detention. I do not think that I need say anything further in support of this clause.

The Hon'ble Mr. W. D. R. PRENTICE: The Select Committee rejected this clause for two main reasons, first because the first part of the clause was largely covered by the Indian Penal Code, but more especially because the second and the third parts did not seem to them to be practical. The change which Mr. J. N. Basu has made in his amendment has caused Government to reconsider their attitude, and they are prepared, if this course appeals to the House, to accept his amendment, that is, to accept clause 12 (*b*) only. Mr. N. K. Basu will perhaps object on the ground that the Indian Penal Code covers it, but I wish to point out that in this case punishment is increased but not decreased.

Mr. NARENDRA KUMAR BASU: In this instance, therefore, Mr. Basu does not object.

The motion was then put and agreed to.

Clause 13.

Mr. PRESIDENT: The question is that clause 13 do stand part of the Bill.

Mr. NARENDRA KUMAR BASU: I beg to move that clause 13 be omitted.

Sir, this clause is absolutely unnecessary in view of the fact that abetment is punishable under the Indian Penal Code. Therefore, I do not think it is necessary to have this clause.

Babu JATINDRA NATH BASU: I oppose this amendment. I think it is a necessary provision of law for the purpose of grappling with traffic in women and girls, and I think the clause should stand.

The motion was put and lost.

The question that clause 13 stand part of the Bill was then put and agreed to.

Clause 14.

Mr. PRESIDENT: The question is that clause 14 do stand part of the Bill.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that clause 14 be omitted.

Sir, I beg to point out that this is a clause for the removal of minor girls from any premises in certain cases by the police. Sir, my demand is a very reasonable one, and I shall explain how. It is true that this clause has been redrafted by the Select Committee; but the drafting has not much improved it. By this clause the police may remove any girl who happens to be under the age of 18 years if they are satisfied that an offence punishable under section 4 has been or is being committed in respect of the premises, or that an offence punishable under sections 9, 10, 11, and 13 has been committed in respect of that girl.

Sir, I am against giving this extraordinary power to the police for the following reasons. First, the police does not want this power. Secondly, the police force is too busy and its hands are too full. Thirdly, I strongly object to police interference for launching a social reform, as, to my mind social reforms by police interference is a doubtful good, and in the present case positively harmful. There are other reasons why police interference is not desirable. The Inspector-General of Police says that if the Bill is passed, increase of police force will be required for the working of the Act, and increase in police force means extra expenditure of over Rs. 2½ crores, as it now stands. Sir, is it consistent with our retrenchment cry? No, it is not. There are also chances of abuse of power in handling rather delicate and dirty affairs by the police force. Nobody can deny this. In the circumstances, I cannot but suggest the deletion of this clause.

Babu JATINDRA NATH BASU: Mr. President, Sir, I oppose this amendment. This merely gives an officer of the police, if authorised in writing in that behalf by the highest police officer having jurisdiction in that area, the Commissioner of Police in the case of Calcutta and the Superintendent of Police in the case of districts,

power to authorise a police officer to rescue girls if they are found in a brothel. This provision has been carefully considered not only in connection with this particular Bill but also when the Calcutta Suppression of Immoral Traffic Bill of 1923 was considered, and the same provision was incorporated in that legislation. It is section 4 (2) of Bengal Act XIII of 1923. Sir, those who are connected with this particular form of social reform often receive communications that traffickers have brought a number of girls and are keeping them in a house for the purpose of making use of such girls as prostitutes, and it becomes necessary for the police to take immediate action for the rescue of such girls. The former Act has been fairly successfully worked in Calcutta, and a large number of such girls has been rescued in that way. It would be taking away the power of the police for immediate action which is so essential for the rescue of these innocent victims.

The motion was put and lost.

Mr. NARENDRA KUMAR BASU: I beg to move that in clause 14, in line 13, for the word "Eighteen," the word "Sixteen" be substituted.

Sir, the reason why I move this amendment is this. You have made a provision in this Bill by clause 15 to detain girls up to the age of 18. Supposing a girl between 16 and 18, say 17 years nine months old, is detained. She has then got to be detained for three months and no more. I do not think, Sir, that will be practical, and I think, though this was one of the points—I confess that my memory on that point is absolutely clear—to which I did not draw the attention of the Select Committee, but on further reflection it appeared to me that in order to make clause 15 practical and workable, it would be necessary to amend both clauses 14 (4th line), and 15 in the way that I have indicated, because you may do some good to a girl if she is detained in a rescue home for a period of two years or more. But you have neither the room to place a large number of these girls in these homes because the number of homes is very small nor do I understand what specific good can be attained by simply detaining a girl for one year or six months or three months. I submit that the amendment that I am suggesting is in accordance with the law as it now stands, and ought to be accepted.

Babu JATINDRA NATH BASU: I oppose this amendment and that on the ground, as Mr. N. K. Basu knows perfectly well, that in connection with this and similar offences the Central Legislature passed enactments in 1923 and 1924 increasing the age-limit in like cases from 16 to 18, because they thought that girls up to 18 years required protection and that they should be protected. That was done in pursuance, I believe, of the recommendations of the Committee

of the League of Nations. Accordingly many of the other countries of the world altered their laws to the same effect, and Indian laws were also similarly altered. I do not see any reason why after ten years we should go back upon the alterations that were made then.

The motion was put and a division taken with the following result :—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Maulvi Hassan.
Armstrong, Mr. W. L.
Bahsh, Maulvi Syed Majid.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chowdhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Ezzafji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Mamin, Khan Bahadur Muhammad Abdul.
Mookerjee, Mr. Syamaprosad.
Norton, Mr. H. R.
Rahman, Maulvi Azizur.
Ray, Babu Amulyadhan.
Ray, Mr. Shanti Shekhareswar.
Root, Babu Hemoi.
Roy Chowdhuri, Babu Hem Chandra.
Samad, Maulvi Abdus.

NOES.

Austin, Mr. J. M.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Dutt, Rai Bahadur Dr. Haridhan.
Fawcus, Mr. L. R.
Gangali, Rai Bahadur Sudi Kumar
Ghuznavi, the Hon'ble Alihadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Hogg, Mr. G. P.
Hooper, Mr. C. G.
Hussain, Maulvi Latafat.
Kitter, the Hon'ble Sir Provash Chunder.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Reg, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Procter, Lt.-Col. A. H.
Rahman, Mr. A. F. M. Abdur-.
Rakhat, Mr. Prasanna Deb.
Rai Mahasai, Maniendra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Rajendra Narayan.
Ray Chowdhury, Mr. K. G.
Reid, Mr. R. N.
Ray, Mr. Sarat Kumar.
Ray, the Hon'ble Mr. Bijoy Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. B. R.
Sen, Rai Bahadur Jogesh Chandra.
Stapleton, Mr. H. E.
Townend, Mr. H. P. V.
Wilkinson, Mr. M. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 28 and the Noes 42, the motion was lost.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 14, in line 13, after the word "eighteen years" the words "or any son or a daughter of a prostitute over the age of ten years" be inserted.

This is not the first time that I have spoken on the question of the protection of minor girls belonging to prostitutes just above the age of

ten. As I have already said this is a question of principle which ought to have been adopted by those who are trying to frame this Bill with a special view to giving protection to the minor girls but unfortunately I have failed to convince them of the necessity of this. But still I am pressing for this simply for the reason that on two previous occasions when I pressed for this principle objections were raised by some of my friends which I must candidly confess had some force. But I do not think any such objection can be raised against this amendment. My friend Khan Bahadur Azizul Haque, whom I miss at the present moment in the chamber said that my motion was defective because I suggested some punishment for these girls. But in this case there is no such thing. This is meant simply to remove minor girls from the premises of prostitutes in certain cases. I have tried to insert these few words with a view that the activities of the Commissioner of Police, the Superintendent of Police and other authorities when they go there to rescue these girls, may not be limited to girls of 16, 17 or 18 only, but that they may take notice of girls of lower ages also. In this connection I would not like to take much of your time but I would ask my friends to consider what is more desirable: to save a girl of 16 or 18 whom it may perhaps be very difficult to reclaim or a girl of ten or eleven who is just entering her life: should we not try to reclaim such a girl and keep her away from the immoral surroundings of a brothel, give her the prospect of a pure life and take care to give her education and every possible help? My friends may think that I am taking my stand as a purist: I may tell them that I am not doing so but I do stand on the platform of common humanity. It is only humane that those who are absolutely innocent and who do not know the manners and ways of the world they are about to enter, if they seek protection they ought to be given protection first of all; I do not object to girls of 16 or 18 being thus taken in hand but I want the House to remember that girls of 16 must have already learnt something about the ways and manners of the world. If you want to extend your protection to them do so, but do not forget that there are many girls who are left outside the scope of this provision and who will not receive any consideration whatever if my amendment is not accepted. This is my last attempt to introduce this principle for the protection of girls of 10 years of age and I hope my last appeal will not be in vain.

Maulvi TAMIZUDDIN KHAN: This last attempt of the Rai Bahadur also seems to be quite futile. His amendment is meaningless because the section says that any girl under 18 may be removed under this clause and I think a girl above the age of 10 may also be a girl under the age of 18. Therefore so far as such a girl is concerned she is included in the clause as it stands. So the Rai Bahadur can have no grievance whatsoever in the matter.

He also wants sons of prostitutes to be likewise rescued. That is a question upon which the House, I think, is not unanimous. That is not the intention of the Bill, I think, and therefore the suggestion seems to be unacceptable.

Babu JATINDRA NATH BASU: I oppose the amendment. As Mr. Tamizuddin Khan has already pointed out the girls whom Dr. Dutt refers to in his amendment are already included in the description given in the draft clause 14 as it stands. As regards children who are the sons and daughters of prostitutes over 10 years of age, the House has already accepted another principle and I oppose it on that basis.

Rai Bahadur Dr. HARIDHAN DUTT: I beg leave to withdraw my motion.

The motion was then, by leave of the Council, withdrawn.

Babu JATINDRA NATH BASU: Before you put the clause I would like to move two consequential amendments to clause 14, and they are that the figures "12" be inserted after "11" in lines 10 and 17.

The motion was put and agreed to.

The motion that clause 14 stand part of the Bill was then put and agreed to.

Clause 15.

Mr. PRESIDENT: The question is that clause 15 stand part of the Bill.

Mr. ANANDA MOHAN PODDAR: I beg to move that after clause 15(2) the following proviso be added, namely:—

"Provided that no such girl shall be made over to a person who professes a different religion than that of the girl."

The object of my motion is obvious. It is sometimes found that the unfortunate girl is much influenced by the person under whose care she is placed and it is not improbable that she is induced to give up her own religion under the circumstances.

Sir, in this land of religious and communal differences, it is most undesirable that the unfortunate victim of fate should lose her parental religion at this early age when she is hardly able to exercise her discretion. Even if she does not change her religion, she may be influenced by the manners and customs of the person under whose care she is placed and as a result adopt a different mode of living to that of her parents. This is also undesirable. But if she is placed under a person who professes her own religion, there is less possibility of these apprehensions. So I move that this proviso be added.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I beg to support this amendment. We are placing great powers in the hands of Government under section 15 and I think we ought to provide safeguards so that the girls that may be placed in the custody of an institution or persons should not be so placed as to endanger their religion. Sir, this is bound to cause irritation even if it is done under certain Acts. The general impression among the public is that when under certain Acts, now in force, a boy or girl is taken into custody and handed over to a particular institution, this institution influences the boy or girl to be converted into the religion to which the promoters of the institution belong. Sir, naturally there is a feeling of indignation among the people to whose community the boy or girl belongs. Sir, it is intended that the power under this clause will be extensively used. In that case, we should be very careful that unnecessary provocation is not given to any particular community. Sir, I think I represent the feelings of the entire Hindu community when I say that it will be looked upon as a great insult if a Hindu boy or girl is made over to a Moslem or Christian institution to be brought up. Sir, in the name of social reform we should not attack the religion of any community. Looking at this very clause it seems that the intentions of the hon'ble mover of the Bill are likely to be frustrated. Officers of Government cannot enforce this Act unless they can provide suitable homes or institutions where they can keep the boys and girls under custody, and unless this is done they have no right to snatch them away from their mothers or near relations even if they live in immoral surroundings. Sir, it is well-known that the hon'ble member in charge of the Hill is not in a position to establish such institutions for all communities all over the province. It is all very well to be a social reformer in a tea party, but when it comes to practical action, the social reformers vanish. It is all very well to attend or hold meetings in support of a social cause but when the supporters are called upon to loosen their purse strings they vanish. I am telling my own experience. I am referring to an incident which may be known to many members of this House. In this city of Calcutta several months ago there was a great row in connection with such an institution. If I remember aright, the hon'ble member in charge of the Bill, Mr. Basu, was made President of the Committee to enquire into the allegations against that institution and that committee submitted a report which was not very flattering to that institution. Then a movement was set on foot, with Sir P. C. Roy as Chairman, to start a really suitable institution for sheltering the unfortunate boys and girls.

Mr. J. N. GUPTA: On a point of order, Sir, are not all these irrelevant in connection with the subject under discussion?

Mr. PRESIDENT: I think he can incidentally refer to these cognate matters, although he need not really labour the point.

Mr. SHANTI SHEKHARESWAR RAY: But I have still to hear that the institution has been established. If the demand for the rescue of innocent girls from immoral surroundings were well backed, then instead of one, there would have been hundreds of such institutions in the country. Merely by passing an Act you cannot remove the evil. I am very particular about this Bill because under this Bill certain powers are being placed in the hands of Government and Government must take care that the power is not abused. I would refer to section 24 where it is provided that girls may be licensed out. I do not know what it means. We objected to licensed houses, but here you are licensing the girls. Girls are to be licensed out under section 15 and so my remarks have a bearing on this. I request the hon'ble member in charge of the Bill and also Government to take a serious view of the matter and adopt this very salutary provision.

Mr. J. N. GUPTA: Sir, I want very strongly to oppose the amendment. I think it is entirely unwarranted. I am sure if these unfortunate girls were themselves consulted, they would emphatically say that rather than being left entirely without protection they would gladly go to any institutions which will have them. As to the other question raised by Mr. Shanti Shekhareswar Ray that there are not sufficient institutions and homes for this purpose, I can only say that steps are already being taken to remove that want, and I think that instead of attacking those people who are working so hard for this cause and instead of opposing a measure like this, he should devote his energy in helping the establishment of such institutions. There is nothing whatever to prevent the establishment of as many such institutions as are wanted. Government have also reserved the power to make rules and under the rules power will be taken that wherever there is an institution where the promoters profess the same religion as the girl concerned, she will be sent over to such an institution. But where there is no such institution, it is much better that she should be sent to some institution, never mind by whatever persons of whatever race or religion it may be managed, than that she should be sent adrift. The Hindu religion is the broadest religion in the world and to say that we will not allow fallen girls to go to a house of protection because the organisers are Christians is in my opinion wholly wrong. The Hindu religion has amalgamated in its bosom all the religions of the world, and I am not prepared to accept the narrow view of the mover of the amendment.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, the local Government will be responsible for carrying out the provisions of the Bill if it is passed, and I think I had better explain what Government's views are. We agree with the principle underlying the amendment, but we cannot support it because it does not provide for the case where there are no institutions or persons who profess the same religion as that of the girl willing to take charge of her. In that case the girl will be

left in the air. The principle we intend to follow is that which is already embodied in section 39 of the Children's Act. I doubt if Mr. Shanti Shekhareswar Ray knows anything about it, so for his benefit and for the benefit of the House I shall read it:

"(1) In determining the reformatory or industrial school to which a youthful offender or child is to be sent under this Act, the Court shall endeavour to ascertain the religious persuasion to which the youthful offender or child belongs and shall, if possible, select a school in which facilities are afforded for instruction in his religion, and shall pass an order to that effect.

(2) Where a child or young person is committed to suitable custody under this Act, the Court in determining the person to whose custody the child or young person shall be committed shall endeavour in like manner to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion, or a person who gives such undertaking as seems to the Court sufficient that the child or young person shall be brought up in accordance with the religion of such child or young person, and shall pass an order to that effect.

(3) Where under section 32 or section 33 a child or a youthful offender is boarded out or is permitted by license to live with any other person, the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender, or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with the religion of such child or youthful offender."

Government have no intention of using this Bill for proselytizing purposes or allowing it to be so used. The principle they will follow in the rules to be framed under clause 24 of the Bill, supposing it is passed, is the same as that embodied in the Children's Act.

Mr. NARENDRA KUMAR BASU: Sir, after hearing Mr. Prentice, may I point out that the provision of the Children's Act quoted by him applies to Calcutta only? The provisions of this Bill will extend to other parts of Bengal. I would, therefore, submit that similar provisions like that in the Children's Act ought to include places outside Calcutta.

The Hon'ble Mr. W. D. R. PRENTICE: On a point of explanation, Sir. I did not say that such cases would be dealt with under the Children's Act, but that the rules which will be framed under this Bill which will be applicable to the whole of Bengal will be framed on those lines of that Act.

The motion of Mr. Ananda Mohan Poddar was then, by leave of the House, withdrawn.

Mr. PRESIDENT: The question is that clause 15 stand part of the Bill.

The motion was put and agreed to.

Clause 15A.

Mr. PRESIDENT: The question is that clause 15A stand part of the Bill.

The motion was put and agreed to.

Clause 15B.

Mr. PRESIDENT: The question is that clause 15B stand part of the Bill.

Babu JATINDRA NATH BASU: May I have your permission to move a consequential amendment, namely, that in clause 15B, in line 3, after the figure "11" the figure "12" be inserted?

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 15B as amended stand part of the Bill.

The motion was put and agreed to.

Clause 16.

Mr. PRESIDENT: The question is that clause 16 stand part of the Bill.

The motion was put and agreed to.

Clause 17.

Mr. PRESIDENT: The question is that clause 17 stand part of the Bill.

The motion was put and agreed to.

Clauses 17A, 17B and 17C.

Mr. PRESIDENT: The question is that clauses 17A, 17B and 17C stand part of the Bill.

The motion was put and agreed to.

Clause 19.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that clause 19 be omitted.

I suggest the deletion of this clause not because I want to give indulgence to solicitations direct or indirect, but because I am perfectly convinced that police interference against solicitation, real or fictitious, will do more harm than good. Direct solicitation as has been referred to in this Bill does not exist in this country; it is imported from outside and I hope it is not yet chronic. Men and women in our country do not mix to the extent and in the fashion that they do in the West. If we abolish the vice of prostitution as a profession, then direct and indirect solicitations would naturally develop and if police interference becomes necessary to check it, I am pretty sure it will fail in achieving its object, and I am sure it is likely to add one more new corruption to our country.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that for clause 19 the following be substituted, namely:-

"19. Any police officer, officer above the rank of native constable, and such other officer as the Local Government or the Commissioner of Police or District Superintendent of Police may specially appoint in that behalf may, at the instance of any person aggrieved, arrest without warrant any person who, in his sight and in a public place, solicits or persistently molests any person to the annoyance of the person molested or solicited or of two or more of the inhabitants or passers-by, if the name and address of such person be unknown to him and cannot be ascertained by him then and there."

I submit that, if the clause as amended by the Select Committee be not omitted, at least my amendment should be accepted by the House. My objection is that I do not like that any constable should be authorised in this behalf, especially in the *mufassal* where it will surely end in oppression. By clause 8 the offence of solicitation has been made punishable; so no special provision is necessary for arrest. If solicitation is punishable then I believe anybody can prosecute. I practically support the amendment that has been moved by my friend Rai Bahadur Satyendra Kumar Das. If the clause be not omitted, I suggest that at least a constable should not be authorised to arrest; any officer above the rank of a constable might be authorised to do so. With these few words I commend my amendment to the acceptance of the House.

Babu JATINDRA NATH BASU: I oppose both these amendments. The provision of law that is incorporated in clause 19 is a very

old provision and has been in existence in some form or other in this province from 1866 onwards up to the present day. It is in the Police Act as also in the Calcutta Suppression of Immoral Traffic Act. The duty of the police is to stop a public nuisance. If in a public place a person persistently annoys the passers-by by solicitation, then it is the duty of the police to see that such annoyance is stopped, and if it is not stopped, the police officer should have power to arrest the person against whom the complaint is made. It is not a new provision and I commend it to the House for acceptance.

The Hon'ble Mr. W. D. R. PRENTICE: I should just like to add a few words to what Mr. J. N. Basu has said. The reason for changing the words "officer above the rank of a native constable" to "any police officer" is that this Bill is intended for the whole of Bengal. In Calcutta, we have the Sergeants on duty and they can carry out the provisions of the Act. But in the *mufassal*, as Kishori Babu knows, it is the constables who will usually have to do this duty, and therefore we have got to provide for the constables.

The two motions of Rai Bahadur Satyendra Kumar Das and of Babu Kishori Mohan Chaudhuri were then put and lost.

The question that clause 19 stand part of the Bill was then put and agreed to.

Clauses 20 to 24, Schedule and Preamble.

The motion that clauses 20, 22, 22A, 23, 24, the Schedule and the Preamble stand part of the Bill was put and agreed to.

Babu JATINDRA NATH BASU: I move that the Bill, as settled in Council, be passed.

Mr. NARENDRA KUMAR BASU: I rise to oppose this motion. I hope I shall not be presently told that it is in the precious memory of some people that, because I was present in the Select Committee, I had supported the principle of the Bill or had ever said that I would support the Bill. As the House is aware, this Bill has been before the Council for sometime now and though it is a considerable improvement upon the hybrid Bill that was presented before the Council by

the mover, I take it that even after the amendments made in the Select Committee the Bill remains as much unpractical and unworkable as possible. The reasons given by Mr. J. N. Basu for the introduction of this Bill on the 4th August, 1932, were briefly that he wanted an Act for the purpose of suppressing brothels, for the proper custody of minor children found in brothels and for the deportation of foreigners who keep a brothel or carry on the business of prostitution. So far as the foreigners are concerned that provision has gone out of the Bill. As for the other provisions, I have already tried to make it clear that these are not new provisions; they are provisions which have been in the law of the land for a long time. In fact, some of the provisions in the Bill make the punishments less drastic than the punishments already provided for in the law of the land. If the existing provisions of the law, most of which are applicable to the whole of the town of Calcutta, have not succeeded in stamping out the vice, I do not see how less drastic provisions for the whole of the province would achieve the object. As for the argument that this is a congregation of different penal laws now existing in the land, I submit to the House that a Bill which is the product of confabulation between a Solicitor, a Magistrate and a Council of Women is certainly not likely to be more useful in providing the country with means that would put an end to the evil. I submit that it is absolutely unnecessary, because the existing provisions already serve the purpose. I submit that this Bill is unworkable and impracticable. On these grounds I oppose the passing of this Bill.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I rise to support the motion of my friend to my right (the mover of the Bill). We have heard the eloquent speech of Mr. N. K. Basu; he tried to convince the House that the Bill would be unworkable and impracticable but he has failed miserably. I admit that there are some practical difficulties, but those difficulties are not so great that they cannot be overcome. As a matter of fact, these difficulties can be solved and I hope they will be solved soon. It is not a new Bill in India. Similar Acts have been working in Bombay and Burma and I am told that they are working satisfactorily to some extent. Now about the practical difficulties, I admit that unless a rescue home is established, the Bill will be a dead letter. In this connection, I may tell the House that since the Bill has been before the country, some very respectable and eminent ladies have already taken up the cause; I may mention here the names of the Hon'ble Mrs. S. K. Sinha, Mrs. N. C. Sen, Mrs. Neely, to whom my sympathy goes on her recent bereavement, Mrs. S. C. Mukherji and others. They have already started a home. You must make attempts to collect more money and have more homes for these unfortunate girls, "where there is a will, there is a way." Unless we pass this Bill, we cannot find a way out.

There are practical difficulties in this Bill. Let us pass the Bill now with such amendment as the House is desirous of making in this Bill. If we find later on any practical difficulties in the working of the Bill, they can be solved easily by bringing in a new amending Bill. This has always been done. No Bill has ever been so perfect that it requires no amendments. Otherwise, the services of my friend Mr. N. K. Basu would not have been required. There are the people who make all sort of interpretations of the clauses of an Act, and bring to the notice of the public the practical difficulties for amendments which are done accordingly. In this case also similar steps may be taken if required.

I am glad to find that the House did not make any serious alteration in the clauses after being amended by the Select Committee. The House has accepted practically the same Bill as it has emerged from the Select Committee. I may draw the attention of Kumar Shanti Shekhareswar Ray who proposes re-committal. He will find that there is no necessity for such an amendment. Moreover, I may say for the information of this House that the Bill had been thoroughly considered not only by the Select Committee but by the Special Committee appointed by the Select Committee of which Mr. Hogg was the President and I offer my sincere thanks to him. I congratulate the author of the Bill for bringing this matter which gives us the opportunity to bring this important measure in the Council. My thanks are due to the ladies who have taken so much interest for the cause of unfortunate girls.

Maulvi ABUL KASEM: Sir, I rise to oppose the motion of my friend. During the closing day of the last session of this Council we passed some piece of legislation about rhinoceros, and it is, Sir, in the fitness of things that a Bill like this, piloted by my friend, Mr. Basu, should be passed on this day of the year. I should have supported it if this piece of legislation, as stated by Mr. Narendra Kumar Basu, is not going to be inoperative, unworkable and not a practical measure of legislation. In that case, it would have been a pious expression of opinion, if I may say so, by this House about the eradication of a social evil. Nobody can deny—not even I—that there is an evil, and an evil of great magnitude, and steps should be taken to eradicate it as far as possible. But, Sir, I respectfully submit to the hon'ble mover and to this House that the proper way of dealing with it is not by a piece of legislation but by propaganda, and as the Raja Bahadur has just said, if we have a will to do it, we will find a way out, that is to say we can put our heads together and find out how best to do it without any interference by the law. My objection to any interference by the law is that it will not drive the evil out or eradicate it, but it will be in the hands of the police and other people a measure for oppression and extortion, and in this case the police are not the only people who will be benefited but there are other people who will take advantage

of this piece of legislation to make money out of the brothel people. You have laid down that anybody who rents a house and keeps certain persons there who carry on prostitution for the benefit of that person, will be prosecuted, but how are you to prove that that person rents the house for this very purpose? If the case comes to a court of justice such a person who is the master of the house and who is benefited by the earnings of the prostitutes will say that they are the servants of such women and are paid for the services rendered, and the court will find no cause for punishing him. The real thing is that we must, not by legislation, but by our actual work, make our social life better. Sir, I admire the energy, the spirit, the hard work and the agitation which has been continuously carried on by Mrs. Neely—and I join with the Raja Bahadur in our sympathy in her recent sad bereavement—and her colleagues and co-operators, but with all due respect to these ladies and gentlemen, I must say that the proper thing would be to change the mentality and the angle of vision of our workers and not to bring a piece of legislation of this kind.

Dr. AMULYA RATAN GHOSE: I also rise to oppose this Bill for the simple reason that this Bill is said to put a stop to traffic in girls only. Sir, the object of this Bill is to stop the evil as far as possible, but the Bill is more or less one-sided. It is trying to suppress immoral traffic, and it deals more with women than with men. If this Bill had tried to stop and control those persons—I mean the male persons who go to these women—then the object of the Bill would have been fully served. Then, as in the case of the boycott movement, an endeavour is made both ways so that there should be no purchasers and no sellers, so also in this case, if the same endeavour were made, I think the object of the Bill would have been best served. But as that has not been done, I do not think that this Bill will be a useful one. It is very desirable that this evil should be eradicated from our society, but the evil will not be eradicated if only one sex is controlled, and the other is given full liberty to carry on its evil devices and sexual vices. Therefore, I oppose this Bill.

Mr. W. C. WORDSWORTH: I support Mr. J. N. Basu's motion. Members of the Select Committee are aware—painfully aware—that this is not a perfect Bill. We are dealing with a tremendous evil. We worked, and worked hard; we had different points of view; we put our best thinking as human beings at the disposal of Mr. Basu, and we have before us the results of that. The House so far as I can see has not succeeded in making a very great change. We have this morning listened to the opinion that this evil is not one to be fought by legislation but only by propaganda. Sir, it is an evil to be fought by every instrument that we have at our command. We know that the Indian Penal Code is a magnificent compilation, and every time I am brought

into contact with it and its history, my amazement at its efficiency increases. The Indian Penal Code does do a great deal for this evil, on paper, yet there is a very strong opinion—I imagine an opinion founded on fact—that the Indian Penal Code is not very greatly operative to prevent traffic in women and particularly in young children, and there is a very strong belief, I take it, founded on knowledge, that throughout Bengal there is an extensive traffic in minor girls for prostitution. Are we then to remain inactive and inert, accepting the view that propaganda by somebody else is to do the work instead of action by ourselves? The strongest instrument that we have in our present conditions of political organisation in Bengal for any social improvement is surely the work done by this House. We are here to do what we can to improve our province in every way, and I think we should be thoroughly ashamed of ourselves if we accept the view that because it is a difficult task we should do nothing but leave it to time, to circumstances and to any power working outside ourselves but without any assistance from ourselves. This would be a very great slur on us. We are bound as men to fight the evil, yet some in the House have regarded it as a matter for jest. If we feel any obligation to young girls bought for traffic, degraded, given up to a life of shame, if this evil is an evil brought upon our civilisation, and our society by the imperfections of men, surely it is the duty of men to do what they can to remedy the situation. This Bill does do something, not very much perhaps, not nearly so much as some in this House, and I assume, as many in this province, would like to see done. But it is an attempt, it is an honest attempt, and I think it will be a very bad thing for Bengal if the attempt is thrown away and rendered useless.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Like Mr. Wordsworth, I feel that the Bill, as has been presented to the Council, is not as perfect or as far-reaching as most of us would have liked it to be, yet, Sir, I feel that this is a step in the right direction. All of us who have any interest in the social uplift of the community should support it. I feel that the Bill does not go far enough. If we could have an Act by which prostitution could be abolished altogether, I would have welcomed it, but as things go, it is not a practical proposition to bring a Bill to entirely eradicate that evil. We must, therefore, be content to have half a loaf instead of no loaf at all. The Bill, it has been remarked by many of its critics, will be inoperative and will not lead to any good. I do not subscribe to that view. Although we may not have many prosecutions under this Act, or if there are prosecutions, they may not be successful, yet the mere fact that the keeping of brothels is a criminal offence throughout Bengal under this piece of legislation will be a sufficient deterrent in itself. Some members have said that this is an evil which should be cured by propaganda and social reform. I entirely agree with them, but I think an Act like this

will serve as an impetus to social workers to make propaganda in this behalf and to secure remedies and establish institutions which will help the operation of this Act. Maulvi Abul Kasem has said that this Bill will give a handle to the police to harass people and that they will take more bribes from brothel keepers and other places. Why should we have so much consideration for brothel keepers since many other innocent people are subjected to harassment by the police and others? If in one or two instances, the police do take bribes, it is not anything very extraordinary or out of the way. So far as the Bill itself is concerned, very great care has been taken not to leave many things in the hands of the police. We have practically left all prosecutions in the hands of the public practically, to institutions and citizens residing in places where brothels are kept. There are sufficient safeguards in the Bill against undue harassment. All the objection that can be put forward against this Bill is that it does not go far enough and that most of its provisions are impracticable. I do not think, however, that much harm will be done if the Bill does not effect as much as it is expected to do. It is the beginning and we may hope that in future after we have gained more experience we shall probably be able to find out if it is necessary to amend it or to extend it or to introduce another Bill of a wider range than the present one. I, therefore, very strongly support the Bill.

The Hon'ble Mr. W. D. R. PRENTICE: I desire to indicate the attitude of Government towards this Bill, now that it comes up for final decision. As Sir Hugh Stephenson said in 1923 when dealing with the predecessor of this Bill, the attitude of Government towards the Bill is one of entire benevolence. We consider that in an important question of social advancement of this kind the initiative ought to come from private members. The initiative has come from a private member and this Bill is the result of that initiative. Government, however, believe that the success of the Bill will depend far more upon the efforts made by society and other bodies for reformation than on any specific provision in the law, and what we have done is to give our help to try and make the Bill workable. We consider that the Bill in its present shape is workable and we, therefore, recommend it to the Council. But in a matter of this kind we do not consider that it is the business of Government to try and force such legislation on the Council. We, therefore, leave the members of this Council of all classes and grades absolutely free to decide whether they will vote for or against this Bill. Personally I propose to support the Bill.

Mr. J. N. GUPTA: In rising to support the passing of the Bill I do not wish to repeat what has been said by the many supporters of the various clauses of this Bill but I should like to clear up one or two points brought forward by those members who have opposed the passing

of the Bill. Mr. N. K. Basu has said "what is the use of a new Bill when we have all the clauses that are incorporated in this Bill in the existing laws of the country"? I am sure Mr. Basu has overlooked the very important fact, that the central and pivotal principle of the Bill is to stop traffic in girls by making the keeping of brothels illegal. I would like Mr. Basu to point out however in what law of this country such a provision is to be found. I am sure he will not be able to point that out. That being the central idea of the Bill, it is a new measure and a new measure with a definite object which we cannot achieve under the existing laws of this country. The object of the Bill is not to stop prostitution, which is an impractical idea, but to stop those evils, those very shameful evils, which are encouraged by the State recognition of brothels. It has also been urged that the clauses of the Bill as they have been framed are impractical and we will not be able to get much benefit out of the Bill because its clauses are all unworkable. But I do not agree that they are unworkable to the extent it is apprehended and if they are impractical we have to thank those members who have consistently opposed the Bill and tried to make its provisions impractical and unworkable. But I am very glad to say that they have not succeeded. It has been urged on the one hand that the clauses of this Bill already find a place in existing legislation while others say that it will be wholly unworkable. But what is the real position? There may be provisions in the existing laws against some of these evils which are not being taken advantage of because we have not public opinion behind us and it is this aspect of the case on which I would like the members of this House to concentrate their attention. It is by the devotion, the self-sacrifice, and the indomitable energy of our sisters and mothers that an intense feeling has been created in Bengal for helping these unfortunate girls and women and we are only taking advantage of that public sentiment. Day by day I am sure this public sentiment will grow and all these little difficulties pointed out by members will disappear and we shall be able to work the Bill simply because we will have the support of public opinion behind us. That public opinion will grow, the institutions that we want will be created and if necessary this Act will be amended in the light of any difficulties which experience may bring to light. We have not aimed at anything impracticable or unattainable. We have followed the footsteps of other provinces which have already passed such a Bill and excellent results have already been achieved there. I am sorry to say that I have not heard a single argument from the opposers of this Bill which really deserves any serious consideration. I, therefore, very strongly support the Bill and I hope the House will unanimously carry it through.

Maulvi ABDUL HAKIM: I rise to give my whole-hearted support to this Bill. I would have been very glad if Mr. Basu could bring

is a measure for the suppression of prostitution altogether. Prostitution is a very heinous sin according to all religions and this Bill is the preliminary step towards the suppression of the most heinous sin in the world which is going on from time immemorial. If we kill this measure in its very infancy I think there is little hope of ever bringing forward such a measure again. I was astonished to see Mr. Narendra Kumar Basu, an old man, opposing this Bill. He says that the Bill is impracticable but I do not think so. If we all join hands and try to work it, I think it will be practicable to a great extent.

Mr. NARENDRA KUMAR BASU: Sir, am I an old man?

Mr. PRESIDENT: You are to prove that you are not. You may look old but you may not feel old. (Laughter.)

Maulvi ABDUL HAKIM: I say an old man cannot commit such a sin. The Usurious Loans Act though a very important Act has not been able to do much benefit to us but still we should try our best to give effect to it and I think this Bill will, if we join hands and try to work it, do much good to the people.

Finally I thank my friend for the trouble he has taken in piloting this Bill and as a Moslem I hope that time will come when we shall be able to see India devoid of any prostitute like Afghanistan, Arabia and other Muhammadan countries.

Reverend B. A. NAG: I support the Bill and I thank the sponsor of the Bill for having introduced such a desirable measure. I would at the same time however place before this House two notes of warning. One is this that the power of prosecution has been given to public bodies, for instance in Calcutta to the Corporation of Calcutta. Knowing a bit of such institutions I am afraid such prosecutions will never take place. The power of prosecution has also been given to certain institutions such as the institution which has carried on excellent propaganda in favour of this Bill. I am afraid they are not the sort of bodies to lodge prosecutions. If then there be no prosecution, if then this Bill when passed into Act remains a dead letter the demoralising effect will be very great indeed. The criminals who might have been feeling very much frightened by this Bill before the Council, when within a year they will find that they are just as they were, and no disturbance is created to their profession, I am afraid it will be taken as a pious Act and the demoralising effect upon them and upon the society and upon everybody will be very great.

The second point contains elements of greater danger. I had hoped that after being told that there were 16,000 signatories in favour of this Bill there would be persons coming out including my friend

Mr. J. N. Basu who would say to the public "we will rescue these girls from the brothels and bring them up in our own homes along with our daughters and sisters so that they may not go out to the community with the stigma upon them that they are rescued girls." You might have hundreds of Rescue Homes, Sir, but if these girls of 18 years of age go to the world with the stigma of a Rescue Home, I am afraid the society is wicked enough to know that and so to trouble them and that the last stage of these girls will be very much worse than the first stage. In supporting the Bill I would appeal to my friend Mr. J. N. Basu, who exercises great influence upon the society of Calcutta that, instead of starting so many Rescue Homes he will induce all those who are behind this Bill so to make up their minds and so to enthuse themselves over it as to say that we will bring up these girls along with our own daughters and sisters so that no stigma might remain on them. The Bill is, by no means, perfect, nor do I believe that it will achieve its object but still as so many ladies and others desire that it should be passed into an Act I support it.

Babu JATINDRA NATH BASU: I just want to say one or two words. Mr. Narendra Kumar Basu admits that the Bill as it has emerged from the Select Committee is an improvement on the Bill that was introduced in this Council but he says that it is unpractical and unworkable. I think Mr. Basu ought to know the history of the legislation on this subject in this country. So far as this province is concerned, after the Act of 1923 was passed, some homes have been established and public opinion has been roused; societies have also been established with a view to studying the problem and to find remedies for the evil that exists.

Mr. NARENDRA KUMAR BASU: What is the number?

Babu JATINDRA NATH BASU: Mr. Basu asks me what is the number of the societies. I may say that no society existed before that Act was passed but after that Act was passed, there are, I believe, besides denominational homes, three or four homes, which are non-denominational. As regards societies, there is the Calcutta Vigilance Society, there are the ladies' organisations which I must say have been of great help in focussing public opinion and in giving expression to public sentiments which undoubtedly exist in this matter. Sir, so far as the actual operation of the law is concerned, Mr. N. K. Basu of all persons should know very well that the operation of the law has been effective in clearing the neighbourhood of educational institutions and of public parks of brothels. But the powers that existed were

meagre. They required to be widened and the measure that has now been enacted in this Bill will not only be of great help in further extending the operations of the law and action taken on behalf of the public, but will also arm the State through the police and the courts with sufficient authority to deal with the problem. Instead of the police being charged with any oppression in connection with the treatment of this particular social evil, the complaint of the people in various parts has been that the police has probably not been as prompt as they are required to be and there has been more of judicial delay instead of executive action in dealing with the problem. The public wanted prompt removal of brothels which the police was not probably able to do. They started judicial enquiries which delayed the operation of the law as it stands. I admit, Sir, that in this matter, the help of the public is of the greatest importance. I have no doubt, now that public sentiment has been roused and the public has come to an appreciation of the evil and of the growth of the evil with its ramifications not only in this country but all the world over—and those who have studied the problem know that if allowed to exist without being effectively dealt with it will get into touch with international organisations and do further injury to us—that this measure will put an effective stop to the further growth of traffic in women and girls and will clean one of the Augean stables of life where dirt has accumulated for hundreds of centuries.

The motion that the Bengal Suppression of Immoral Traffic Bill, as settled in Council, be passed, was then put and agreed to.

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Calcutta Municipal (Amendment) Bill, 1933.

Mr. NARENDRA KUMAR BASU: May I rise on a point of order and privilege of the House, Sir? Yesterday afternoon when I came to the Council a copy of the Bill to further amend the Calcutta Municipal Act was placed on the table and it was said that the Hon'ble Minister would introduce the Bill in the Council. This morning's papers had the following press communiqué. I will not read the whole of it which is more than a column, but I should like to read the first paragraph——

Mr. PRESIDENT: You need not read it until you have told me what your point of order is.

Mr. NARENDRA KUMAR BASU: It is on a point of order and privilege of the House: if any member of this House, whether Government official or not, has any right to discuss in public the merits of a Bill which has not yet been introduced in this Council and further to say that certain provisions of the Bill will take effect from the date of its introduction.

Mr. PRESIDENT: Ordinarily I am not supposed to take notice of anything that appears in a newspaper. I am to take cognizance of what takes place in the House. Is there any special reason as to why I should take note of the matter you are referring to?

Mr. NARENDRA KUMAR BASU: I am rising on a point of privilege of the House. Is it within the power of any member, whether official or non-official, to discuss in public the merits of a Bill which has not yet been introduced in this Council and to say that certain provisions of it will take effect as from the date of its introduction?

Mr. PRESIDENT: There is no hard and fast rule—each case must be judged on its own merits.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: May I explain, Sir, the point raised by Mr. Basu? The point is that when the Bill will be passed into law it will take effect from the date of introduction.

Mr. PRESIDENT: That is quite all right.

Maulvi ABUL KASEM: On a point of order, Sir, unconnected with the point of order raised by Mr. Basu. You have observed from your place in the Chair that you cannot take notice of or action on, anything that take places outside this House; but if something is done to the detriment of this House, are you not to take notice of that?

Mr. PRESIDENT: The point is this: if any member of the House, whether official or non-official, makes a speech, says or writes something outside the House, I am not bound to take note of that. I am not prepared to take any step in a case of that description unless it seriously affects the dignity or privileges of the House.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

The Secretary then read the short title of the Bill.

Special motion under section 78A.

The Hon'ble Mr. W. D. R. PRENTICE: I beg to move the motion that stands in my name—

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. In the notice that was circulated to us it was stated that the Hon'ble Mr. Prentice would move this motion on the 30th or 31st March, but can he move it to-day?

Mr. PRESIDENT: Yes, I have already told you why he can.

The Hon'ble Mr. W. D. R. PRENTICE: The motion runs as follows:—

"That the Council take into consideration the proposals for Indian Constitutional reform published by His Majesty's Government in the White Paper and recommend to the Government of Bengal that the proceedings be forwarded to the Government of India for the information of His Majesty's Government and also for consideration of the Joint Parliamentary Select Committee."

Sir, the motion has been deliberately framed on these lines with two objects: one is to give an opportunity for the fullest and freest discussion of the contents of the White Paper. The other object is to ensure that whatever opinions are expressed will be forwarded to His Majesty's Government for consideration by the Joint Parliamentary Select Committee. Government desire the fullest and freest expression of opinion on this important document, but with one limitation, that is that the discussion will be confined to non-officials. This again is subject to two qualifications, one that the Hon'ble Ministers who are originally elected non-official members of this Council will be entitled to express their views if they desire to do so. But I must make it clear that any views they express will be their personal views and not those of Government. The other qualification is that if it is necessary, I may have to rise to explain any misrepresentations or misunderstandings that may appear during the debate. Otherwise Government will take no part in the discussion. The White Paper is a State document of immense importance to India and no doubt there will be divergent views expressed on many of its provisions. But whatever be the views held on the constitutional frame-work, I think the House will agree with me that Bengal should welcome the recognition, although only in part, of her claim to the export duty on jute. According to the White Paper an

assignment from this duty to the producing units will be compulsory and will amount to at least 50 per cent. of the net revenue from the duty. We should also welcome the prospect of obtaining an increasing share in the proceeds of taxes on income, a share which at the end of 10 years will amount to at least 50 per cent. Of course we shall have to press for the acceptance of the principle that the jute export duty should be a provincial source of revenue and endeavour to ensure that the block amount to be retained by the Federal Government out of the proceeds of the taxes on income is fixed so as to give to the province from the outset a substantial share in the proceeds of those taxes. Our endeavours in these two matters will not be relaxed but whether we succeed or not we should be grateful to His Majesty's Government for the partial recognition of what, we consider, we can justly claim.

With these remarks, I leave the motion for free discussion by the non-official members of this Council.

Mr. P. N. GUHA: On a point of information, Sir. The Hon'ble Mr. Prentice has said that Government will take no part in the debate on this motion. Are we to understand that the Ministers who form a part and parcel of the Government will also not take any part in the debate?

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I thought I made it perfectly clear that the Ministers will be at liberty to speak if they desire to do so.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir——

Mr. SYAMAPROSAD MOOKERJEE: Sir, may I ask whether you desire to follow the precedent of the Council of State so that written speeches may be taken as read and forwarded to proper quarters?

Mr. W. H. THOMPSON: Sir, I fully endorse the views of Mr. Mookerjee. I never heard of a more practical suggestion.

Mr. PRESIDENT: We are not yet in a position to kill manuscript eloquence outright (Laughter).

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, it is not without considerable hesitation that I rise to take part in the discussion as I do not propose either to praise or to reject the White Paper summarily. The White Paper contains proposals of such far-reaching importance that it would have been better if a

representative committee of the members of the Council had been appointed to consider its contents and place their conclusions before the Council, for transmitting the same to the higher authority. I am not one of those who venture to think that the proposals are likely to satisfy the adult ambition of political India, divided and subdivided as it is into various schools. On the other hand, as it stands, it is likely to intensify the discontent in the land. It has already received condemnation even from the responsible statesmen of the country like Sir Tej Bahadur Sapru, Sir Sivaswamy Iyer, Mr. Srinivas Sastri. Not only in India but also in England it has received condemnation from the Conservative as well as from Labour. I quote the speech of Viscount Knebworth, a Conservative Member in Parliament. He said:—

"The proposals would not give India good Government. They are largely a rehash of dyarchy, which ten years' experience had proved a ghastly failure. They were founded on wrong principle and disregarded the fundamental principle that responsibility and safeguards are incompatible. If they even operate they will merely produce the same obstruction and unhappiness as the dyarchy."

Now I will quote the opinion of a Labour Member Mr. Tom Williams. He in the course of a debate said:—

"The proposals were neither Home-Rule nor Dominion Status. He thought that the White Paper simply meant that for an indefinite time full powers remained with Whitehall or with the Governor-General with slight exceptions, and that there was no substantial promise in any part of this document suggesting that the new constitution could develop. He agreed that the scheme was the very negation of democracy."

Another Labour Member Mr. Morgan Jones actually in proposing an amendment said:—

"The House regrets that the present proposals of His Majesty's Government for Indian constitutional reform entirely fail to implement the pledges given to raise India to the status of an equal partner in the British Commonwealth of nations. From this one can gather what sort of reception the White Paper had received in the hands of the people of its own country. Though it must not be overlooked that how difficult it is for any settlement of rival claims to satisfy all parties concerned but it can be said that the matter could have been improved much."

One should remember that the proposals are not the last word on the framing of a new constitution for India—they would surely undergo various changes under pressure of popular opinion. If the White Paper has not satisfied political India, it has also failed to satisfy a large section of British statesmen who characterise it as the abdication of England's power in India.

The following are likely to form the main points of attack in the constitution announced in the White Paper:—

(1) The Status of India.

(2) Special powers and responsibilities of the—

(*a*) Governor-General and

(*b*) Governors.

(3) Treatment of defence as a reserved subject without any definite commitment about Indianisation of the higher posts.

(4) Commercial safeguards.

(5) Position of the Imperial Services.

Considerations of time preclude the possibility of my discussing these heads in detail and I must content myself with a brief examination of the points. Speaking at the British Commonwealth Labour Conference (held in London, on 2nd July, 1928), while the Simon Commission were still carrying on their investigations, the Right Hon'ble Ramsay McDonald, the present Prime Minister, said—

"I hope that within a period of months rather than years, there will be a new Dominion added to the Commonwealth of our nations, a Dominion of another race, a Dominion that will find self-respect as an equal within this Commonwealth. I refer to India."

Later, in the same year, the then Viceroy (Lord Irwin) declared in a notable viceregal statement that Dominion Status for India was implicit in the declaration made by the late Mr. Montagu, in the House of Commons, in August, 1917. At the end of the first Round Table Conference, Mr. McDonald practically re-affirmed his earlier declaration. In addressing you, therefore, to-day, Sir, and keeping in mind those statements of Mr. McDonald and Lord Irwin, the first thing I shall say is that it is striking significant that there is absolutely no reference in the White Paper to Dominion Status for India, even as a remote ideal.

The importance of defence in the growth of nationalism and the attainment of self-government is self-evident, and it should be our endeavour to see that Indianisation is made as rapid as possible. But the Indian Sandhurst Committee—of which the late Pandit Moti Lal Nehru was one of the shining lights—was constrained to admit that it will take India some time to undertake the work of her defence. Yet, there should be a time limit. The White Paper did not mention any time. This is much regrettable.

I have every sympathy with our European merchants and industrialists in their apprehension lest their rights would be unacceptable to a self-governing India. But I can assure them that India is not unmindful or

oblivious of their energy, technical skill, experience, capital and devotion in pioneering industries and helping the industrial and commercial progress of the country. India wants to stand on her own legs; but she should not do an injustice to any party. I hope the frank admission of Mahatma Gandhi has removed their misapprehension—at least to some extent. I feel sure a satisfactory solution of this matter will not be difficult to arrive at.

The position of the Imperial Services will have to be reconsidered. The White Papers have not considered this proposal in detail.

The important question, namely, the re-adjustment of seats according to the resolution of the Poona Pact so far as the Bengal Hindus are concerned—I shall not discuss at all; since we had a full dress debate on the subject a few days ago. The views of the supporters and the opponents of the proposal are printed in our proceedings. The result of the voting signified the wish of the Council in accepting the proposal of Mr. J. L. Bannerjee, *i.e.*, to reject the ruinous recommendation of the Poona Pact. This should be reconsidered. This should be carefully considered in framing a constitution. I now show how this question has been received in England. Colonel Wedgwood describes the allotment of seats for the depressed classes as a device to save the conscience of the Secretary of State and said that the people of India did not want the scheme. Mr. Gandhi did not ask for it. It was the Indian politicians who were asking for and who would benefit by it. It was not self-government but a Venetian oligarchy.

Sir, grave injustice has been done to the landholding class. Though there has been a proportionate increment in the number of seats in the Lower House of the representative of other Special Constituencies with the increment of the strength of the House, no consideration had been shown in the allotment of seats for the landholders. No consideration has been made in view of the contribution they made towards the Provincial Fund, their stake in the country, their services. Their claims have been unjustly neglected. The *zamindars* would never be satisfied with the Constitution as foreshadowed in the White Paper unless it was substantially modified befitting their interest and stake in the country providing adequate seats for them representatives in all the legislatures.

Now, Sir, with regard to the responsibilities of the Governor-General and Governors for I for myself do not grumble much. In all self-governing parts of the British Empire Governors as representatives of the King enjoy special powers. These powers, however, are seldom exercised and are limited by convention. If we work the Constitution with a view to secure full responsibility, *i.e.*, self-government, it would be easy to create that convention. We are passing through a period of transition and the future is in our hands. So we need not fear about the special powers vested in the Governor-General or the Governors

We should try to make them reasonable and consistent with the growth of nationalism in India and India's self-respect. But at the same time it would have been happy if the same goodwill, trust and reliance be placed on the people of the country. I am confident provided we all—the Government and the people—bring to bear on the matter, goodwill, trust and devotion to the cause of the country, these difficulties will not prove insuperable.

Let us now turn to what we have achieved partially.

(1) There is the definite move to form a Federation. It is a consummation devoutly to be wished. But if the Indian States do not make up their mind to join the Federation quickly we should press for a Federation of British India alone, and leave the States to come in later.

(2) Provincial autonomy becomes an accomplished fact.

(3) "The members of the Provincial Legislative Assemblies will be in all cases elected, and no officials will be eligible for election."

(4) The Government of each province will be administered by a Governor representing the King "aided and advised by a Council of Ministers responsible to the Legislature of the Province."

Surely, these are decided improvements on the existing system, in which dyarchy plays an important part. Then in Bengal we will get—

(1) *An Upper House.*—We have so long been asking for it that we cannot but congratulate ourselves on this concession—call it achievement if you like.

(2) *Partial financial justice.*—Here I must say that partial justice will not satisfy us. Our need is the sorest. In 1929-30, the last normal year before the advent of the present depression, the expenditure per head in Bengal was as low as Rs. 2-8 against Rs. 4 in Madras and Rs. 8-4 in Bombay. We must strive to get full justice done to us As the hon'ble mover has said we are grateful to His Majesty's Government for this.

I have enumerated what may be called the shortcomings of the proposals as also their strong points. But the shortcoming must be remedied. And this can be done best by joint action undertaken with a view to frame a Constitution which will lead on to full responsible Government within the shortest possible time and which will make India a source of strength to the Empire. We should devise means by which the association of India with the community of nations known as the British Empire would be reconciled with Indian national aspirations.

Rai Bahadur JOGESH CHANDRA SEN: Mr. President, Sir, I deem it a proud privilege to be in a position to-day to express my views

on a momentous question like this. The destiny of the nation of the vast millions is in the melting pot and now is the time for us to express the views of our constituency as freely as possible and without any reservation and thereby help the British Parliamentary Committee to come to a right decision. I will start by saying that the Constitutional Act proposed is too far short of our expectations. To read the White Paper critically means to invite utter disappointment. Does it give us any vision of Dominion Status now or in the near future? No. I have searched and searched in vain to find out if there is any mention of that. It never even says that further instalments of Reform would be coming in future. With the British people the relation of the country is peculiar—it was quite friendly in the start but it is not so happy now and I hope that the next and the final tie would be one of perpetual friendship and love. I do admit that it is a sentimental utterance but without some sort of relationship—either of friendly or of inimical—this tug-of-war cannot come to an end. We cannot but acknowledge our gratefulness for all that the British Government did in the past as our administrators. Now their wards —I mean the vast millions, Hindus, Muhammadans and other children of the soil—have attained age and majority so they should now be installed in their own places. This demand, this cry is one and the same from Cape Cormorin to the Himalayas. It would be a sheer waste of energy to try to check this wave. You may do so for the time being but it will come again with redoubled vigour. This Messrs. Churchill and other diehards of his school should know. This is no threat but a bare truth, but truth, Sir, is not always palatable. I am not one of those who subscribe to the view that India should completely sever its connection with the British Government but it is almost the unanimous verdict of the country that Dominion Status must be given to them. No right thinking man will object if it means time. Let this be definitely declared and let there be a time limit. In the interest of culture, civilisation, religion and manhood the continent of India should be given a chance to secure a place of honour in the comity of nations. It is India, and India alone who can preach the gospel of peace and love and to do this missionary work they must have a footing in the world. It is India alone who can save the world from materialism and luxury of which the world has grown sick.

I would therefore appeal for due consideration of these facts. Rule of rod has become ineffective and the movement we understand is filtering underground. It is no denying of the fact that there is a dangerous current underneath. The sentimental youths, in their anxiety have been taking recourse to methods which no right thinking man would ever approve but facts are facts. Let peace and goodwill be established as early as possible as we are tired of this situation and let the people have their legitimate demand fulfilled early through the new Act.

Now as to the White Paper, Sir, the iron safe of India is going to be handed over to us but the key will for all time to come remain with the Viceroy, Governor and the Secretary of State. The safeguards are too many and too severe and no nation can grow with so many brakes at its back. Viceroy will select his Ministers and act according to their advice as if his paid servants are going to speak against him. Powers with regard to giving assent to bills or withholding consideration of bills are drastic in respect of both Federal and provincial legislatures. Ministers have not been given full powers. The Secretary of State will continue to control and go on appointing officers as before as if it is a "Service bureau". By the arrangement proposed India can never expect to find a place of honour in the world of nations. The form in which the White Paper has been presented will, I am afraid, not be acceptable to the country and the agitation will continue. Let it be recommitted and the whole thing be recasted. In short the country wants the following and let the declaration be made accordingly. Some functions should be handed over at once and the rest gradually within a specified time:—

(1) First thing that is wanted by the people is a sense of freedom. They want to breathe as freely as a Canadian does in Canada or a Britisher in Britain.

(2) Let the country be given power to shape its own destiny and arrange its own house with British Government to help them and guide them.

(3) Let there be standing relationship between India and England as regards trade and commerce which are their material consideration.

(4) Let there be proper adjustment of finance and Bengal be not asked to cater for other parts. Even she will do that if necessity arises.

(5) Let the landholder, commerce, trade, the minorities, the backward classes, Hindus and Muhammadans, Christians have their due and legitimate share in the matter of administration.

(6) Let every one take active interest in the administration of the country leaving aside petty jealousies.

(7) Let such a constitution grow up by which Hindus, Muhammadans and other communities may live like brothers, may feel for each other, may protect each other, may share sorrows and joys equally in rain and sun.

(8) Let the constitution declare that the manhood of the nation will be stimulated by giving them training in Army and Navy, *i.e.*, for the self-defence of their country.

(9) Let the constitution be such by which we can have hundreds of industrial towns like Manchester and Sheffield, Osaka and by agriculture the people may live happily.

(10) Let such a constitution be framed by which famine can be prevented, people can be saved from jaws of death due to malaria, kala-azar, plague, cholera, small-pox, by which every son of India will have at least two hearty meals a day, by which morality may improve, religion may thrive, by which the country may industrially and commercially become rich and prosperous.

Sir, these are my constructive suggestions and I would like the White Paper to be recasted on these lines. In this hour of trial we must place the real facts before the authorities and caution them timely. As a representative of the people in this House I feel it is my duty to place the views of the public in full and with which I agree substantially. Name of the British people will ever be written in letters of gold for this act of justice as England has always stood for justice. For the sake of peace in the world let India have a place of honour.

Mr. S. M. BOSE: At the outset, I wish to say that I fully recognize the difficulties of the British Government in their attempt to placate the various parties with hostile conflicting interest—a task of tremendous difficulty. I give credit to them for an honest desire to hold the balance even and to do justice to all parties. The White Paper is a document very carefully and laboriously drawn up and requires very careful and prolonged study.

But I am bound to say that this bold attempt to please all parties has failed in many important particulars; we here feel it our duty to press the Bengal point of view and to suggest improvements in a spirit of co-operation. My desire is to put forward constructive suggestions likely to be helpful to those who will be in charge of the Indian case at the sittings of the Joint Select Committee.

I shall confine my brief remarks to the topics summarized as follows:—

(A) *Bengal Finances*—

(1) Bengal to be placed on sound financial footing, to provide for adequate expenditure for public health, sanitation, education, etc.

(2) Bengal not to be bled for the benefit of other provinces.

(3) Allocation of whole of the jute tax (paragraph 137, Proposals) and the share of income-tax on the basis of entire provincial revenue and not on the basis of population.

(4) Protest against proposal to empower the centre to retain or vary the sums allocated to the provinces (paragraph 139, Proposals).

(B) *Governor's Reserve Powers* and

(C) *Public Services*—The proposals (paragraphs 180-189) are not in accord with the decisions of the Services Sub-Committee.

(1) and (2) (A) *Bengal Finances*.—I wish to stress the position taken by the Government of Bengal as well as by the people of Bengal—Hindus, Moslems and Europeans—that no reforms should be introduced in Bengal unless Bengal is placed on a sound financial position. This is essential to enable her to spend adequately for the development of sanitation, public health, education and agriculture. As His Excellency the Governor said at Dacca in July, 1932, provincial autonomy will fail and fail disastrously in Bengal, if the recommendations of the Percy Committee are accepted; and that it was absolutely vital that an equitable adjustment should be made before the new constitution takes final shape. In Bengal the Government and the people are united in thinking that it will be a shame and a mockery to introduce the "Reforms" on the footing of recommendations of the Federal Finance Committee. The White Paper, as I shall presently show, has given us very little relief.

Further, Bengal must no longer under the new constitution continue to be bled for the benefit of the centre to provide for the deficit provinces. Further retrenchment cannot give substantial relief in Bengal, with a budget of Rs. 11 crores and a deficit of Rs. 2 crores. Further taxation in Bengal is out of the question. So Bengal should not be called upon to make larger sacrifices than the other provinces. As Sir N. N. Sircar points out, Bengal has in 1928-29 contributed the sum of Rs. 1,659 lakhs to the central revenue as compared with Rs. 714 lakhs from Madras and Rs. 584 lakhs from Bombay. Bengal has thus contributed for the centre nearly three times the tax contributed by Bombay and more than twice that by Madras. Bengal has has been milked so long for the benefit of the Government of India to enable it to provide money for other provinces. This is inequitable and must stop.

(3) Now I come to the jute tax. At last our claim to it has been partially recognized. Since 1916, when the tax was first imposed, Bengal has contributed nearly Rs. 50 crores to the centre from this source alone. We have been unjustly deprived of this revenue, and owing to this and other acts of injustice, Bengal has been starved ever since the Reforms, with the result that it is, and has been, bankrupt. To make amends for the past wrong, it is but fair that the advances made to us from the Government of India should be written off, so that the new Government starts with a clean slate. This, as the Hon'ble Mr. Woodhead points out, is but a very modest compensation for past injustice. The White Paper (in paragraph 137) has admitted our right to at least half the jute tax but we want the whole. Our

claim cannot be resisted. The tax really is paid by the producer and the manufacturer not the foreigner and so the whole should come to Bengal. In the alternative, if jute is a monopoly and if the duty is paid by the foreign purchaser, the tax on the Bengal monopoly should come to Bengal.

My next point is that whether we get the half or the whole of the duty, we should start getting it *from now* and not wait till the new reforms. It is expected that these will be introduced some time in 1934 so that we cannot get the jute tax till 1935-36. I see no reason for any delay in our getting our jute dues. I submit that our present Ministers should be given the benefit of this 50 per cent. of the tax so that they can from now make their schemes for the further expansion of our nation-building activities. I say that we ought not to wait a day longer. The Government of India can in a short time give us the jute tax. This can be done by an amendment of the Devolution Rules. Under the Rules the jute tax is an all-India revenue and not provincial revenue. But under Rules 14(1) (H) provincial revenue may include any other sources which the Governor-General in Council may by order declare to be sources of provincial revenue. Jute tax is now a central subject. But under section 129A of the Government of India Act, rules regarding the allocation of the tax may be made by the Governor-General in Council with the sanction of the Secretary of State in Council, such rules to be laid in draft before both Houses of Parliament. I need not discuss this matter in detail but it is clear that (1) we should get the jute tax or at least 50 per cent. from now and (2) this can be at once done by rules made under section 129A of the Government of India Act. I would earnestly request the Government of Bengal to take up the matter at once so that the necessary authority for allocating the jute tax to Bengal may be given at once. In that event we can start expansion of work on public health, sanitation, education, etc., by April, 1935, at the latest. This is a matter of great importance.

As to income-tax, the White Paper is silent on the question of the basis on which allocation is to be made to Bengal. In paragraph 139, it is stated that a prescribed percentage (between 50 to 75 per cent.) of the net revenue derived from tax on incomes (other than agricultural income) except corporation tax or (tax on companies) will be assigned to a province and under paragraph 145 "prescribed" means prescribed by Order in Council. But is the basis to be on population or on the basis of the entire provincial revenue? I suggest the latter.

(4) Here I desire to enter a strong protest against the proposal in paragraph 139 of the White Paper. During the first three years the Federal Government will be entitled to retain for Federal revenue a prescribed sum out of the amount due for income-tax to a province

and for the next seven years a gradually lesser amount diminishing by one-eighth of the amount of the previous year. But the Governor-General has the right to suspend these reductions in the interest of the Federal revenue. Now this makes the provincial revenues very uncertain and it is not possible to embark on a general scheme of national development on this precarious basis. It is to the interest of the provinces that they should be able to count upon a certain fixed revenue. Our revenue must not be made to depend upon the needs of the Federal Government, which we have no means of checking. If the centre embarks upon wild schemes of military expenditure or upon starting and financing deficit provinces, why should Bengal pay? This brings me to my old point—why should Bengal be bled for the benefit of other provinces? From the tone of paragraph 139, it would appear as if the share of the income-tax to be paid to Bengal is a dole, a charity, which the donor, the Government of India can stop at will. I submit this is not the position at all. Bengal has an inherent right to a share in the income-tax and her share is to be fixed without regard to the needs of the centre over which she has no control.

(B) I object secondly to the proposals in the White Paper regarding the special powers of the Governor as outlined in paragraph 70. The scheme of provincial autonomy there is diluted enough in all conscience and not full provincial autonomy, as promised. Even this is sought to be modified by these special powers of the Governors analogous to those of the Viceroy, with power of interference in the administration of law and order. These are new and objectionable and should be modified.

(C) Just a few words about the Public Services before I stop—I object to the absence of provisions vesting the recruitment and conditions of employment in future in the Public Services, and of complete control of public servants, present and future, in the central and the provincial Governments (subject of course to safeguards regarding salaries and pensions of those now in service). The White Paper proposals in paragraphs 180 to 189 are a radical departure from the decisions of the Services Sub-Committee. They recommended that future recruitments to the Indian Civil Service and the Indian Police Service should be not by the Secretary of State but by the Government of India which should lay down conditions of service. The Sub-Committee laid great stress on the importance of complete control being vested in the central and the local Governments. They further laid down that a Public Service Commission should be appointed for the provinces by the Governor and at the centre by the Governor-General. According to the White Paper, the Secretary of State is to make the appointments to the Indian Civil Service and the Indian Police Service, and very possibly to the other superior services; and the appointment of the Public Service Commission will be by the Secretary of State.

I have not the time to go into other important matters considered in the White Paper, but what I have said will show that the proposals in the White Paper require considerable modification before they can be accepted.

Mr. PRESIDENT: As the House is anxious to have as much time as possible for the discussion of the White Paper I propose to make up the half-hour that we have to spend over the two usual daily adjournments by sitting at 2-30 p.m., on Monday, the 3rd April, that is, half an hour earlier than the usual time. I hope this meets with the approval of the House.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Monday, the 3rd April, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 3rd April, 1933, at 2-30 p.m.

Present:

MR. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers, and 94 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Remuneration of the members of the Retrenchment Committee.

*133. **Maulvi SYED MAJID BAKSH:** Will the Hon'ble Member in charge of the Finance Department be pleased to state—

(*a*) the amount of money drawn by each of the members of the Retrenchment Committee for his work in connection with the Retrenchment Committee, and

(*b*) the time taken by them in connection with their work on the Retrenchment Committee?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) The Chairman drew Rs. 20,670 as pay for the period from 1st May, 1932, to 23rd October, 1932. Khan Bahadur Maulvi Azizul Haque, the only *mufassal* member of the Committee drew Rs. 491 as T.A. and Rs. 3,250 as allowance.

(*b*) The Committee held 107 meetings of varying length during the period from the beginning of May to 23rd October, 1932.

Maulvi SYED MAJID BAKSH: Were there any continued sittings of the Committee?

The Hon'ble Mr. J. A. WOODHEAD: I really cannot say.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state what was the rate of the daily allowance?

The Hon'ble Mr. J. A. WOODHEAD: I cannot say off-hand. I must ask for notice.

Maulvi SYED MAJID BAKSH: How could the amount of Rs. 491 be drawn as travelling allowance if there were continuous sittings?

The Hon'ble Mr. J. A. WOODHEAD: The Committee did not sit continually during the whole period.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state the duration of the period for which the daily allowances were charged.

The Hon'ble Mr. J. A. WOODHEAD: I must ask for notice for all these details.

Mr. SHANTI SHEKHARESWAR RAY: Was not Khan Bahadur Maulvi M. Azizul Haque appointed as a member of the Legislative Council?

The Hon'ble Mr. J. A. WOODHEAD: They were all members of the Council except the Chairman.

Mr. SHANTI SHEKHARESWAR RAY: As a member of the Legislative Council was he entitled to draw more than Rs. 10 a day as daily allowance?

The Hon'ble Mr. J. A. WOODHEAD: I must again ask for notice.

Enhanced rents of certain Government estates in Faridpur and Pabna districts.

***134. Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) what is the average rate of rent per acre of culturable land payable by—

(*1*) cultivating tenants, and

(*2*) by tenure-holders,

under the khas mahal in the districts of Faridpur and Pabna;

(*ii*) whether there is any proposal to enhance the rate of rent in these two districts and, if so, what is the proposed rate of enhancement;

(*iii*) whether minor settlement operations were recently held in these two districts and rent rolls have been prepared on the basis of an enhanced rate of rent; and

(*iv*) if so, when do the Government intend to give effect to these proposals for enhancement, if any?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) and (*ii*) A statement is laid on the table.

Figures for estates under re-settlement are given; figures for other estates are not readily available.

(*iii*) Yes. The work is still in progress in Pabna.

(*iv*) The new rents will come into force in Faridpur from 1st April, 1933, and in Pabna from 1st April, 1933, or from 1st April, 1934, according to the date of expiry of the current settlements.

Statement referred to in the reply to starred question No. 134 (i) and (ii) showing the average existing enhanced rents of certain Government estates in Faridpur and Pabna under re-settlement.

	Existing per acre	Enhanced per acre.
	Rs. A P	Rs. A. P.
Faridpur		
Raiyats	2 12 6	3 2 5
Tenure-holders	2 3 7	2 8 4
Pabna—		
Raiyats	1 6 6	2 4 3
Tenure-holders	(There are none in the estates hitherto completed.)	

Maulvi TAMIZUDDIN KHAN: With reference to (*iv*), will the Hon'ble Member be pleased to state whether Government consider the present time to be opportune for giving effect to the enhanced rate of rents?

The Hon'ble Sir PROVASH CHUNDER MITTER: The present time has no relation to a settlement of 30 years; but the present time may have a relation of any question of remission or suspension of rents.

Abolition of the services of certain trains between Faridpur and Poradah.

***135. Rai Sahib AKSHOY KUMAR SEN:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state—

(*i*) whether it is a fact that in August, 1932, the Secretaries of the Faridpur Merchants' Association sent a representation to the Agent, Eastern Bengal Railway, through the District Magistrate of Faridpur, praying for a reinstatement of the passenger trains 393 393F and 394F 394 (Up and Down) running between Faridpur and Poradah and stating that the abolition of the services of those trains had caused much inconvenience and trouble to the passengers and merchants of places between Faridpur and Poradah;

(*ii*) whether it is a fact that owing to the abolition of those trains passengers and merchants of Faridpur have to avail themselves of the very early-leaving train 82F Down, which very often misses 82 Down train at Rajbari; and

(*iii*) whether it is a fact that passengers (bound for North Bengal and Assam) from Rajbari and other intermediate stations when availing the 82 Down train have to wait for the Up Assam Mail at Poradah for 6 hours?

(*b*) Are the Government considering the desirability of drawing the attention of Eastern Bengal Railway authorities to the said grievances with a view to their removal?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) (*i*) Yes.

(*ii*) To catch the Up Assam Mail at Poradah passengers have to leave Faridpur by 82F Down at 5-55 hours. Connection with 82 Down at Rajbari has been missed on an average only about once a month during the last 2 years.

(*iii*) Yes; there is, however, an alternative connection with North Bengal and Assam by the train leaving Faridpur at 12-50

(*b*) The service was curtailed owing to the need of economy, as it was found that the trains in question carried very few passengers and were worked at a heavy loss. In the circumstances Government do not consider it desirable to draw the attention of the Eastern Bengal Railway authorities to the said grievances.

Appointment of backward classes to the different offices in Bengal.

*136. **Babu AMULYADHAN RAY:** (*a*) With reference to the swer given on the 29th August, 1932, to starred question No. 2(*iii*), will the Hon'ble Member in charge of the Appointment partment be pleased to state whether all the candidates appointed m the backward classes come under the classification of the back- ard classes for ministerial appointment as contemplated in the ppointment Department memorandum No. 3540-54A, dated the th April, 1931?

(*b*) Is it not a fact that only in one instance in which the caste is given out of the three appointments from the backward classes in e Civil Courts of the Bakarganj district two do not come under the ssification of backward classes for ministerial appointments accord- g to the said memorandum as it appeared from the answer to the rred question No. 159 on the 26th August, 1932?

(*c*) Has it been ascertained that the recruiting authorities have llowed the said memorandum No. 3540-54A., dated the 28th April, 31?

(*d*) Will the Hon'ble Member be pleased to lay on the table a state- ent showing the castes to which the candidates appointed from the ckward classes belong?

(*e*) With reference to the statement laid on the table in answer to uses (*i*) and (*ii*) of starred question No. 162 of the 29th August, 32, will the Hon'ble Member be pleased to state whether it is not a ct that at least in the office of the Commissioner, Burdwan Division, e district offices of Burdwan, Bankura, Midnapore, Hooghly, Raj- ahi, Jalpaiguri, Pabna, Dacca, Mymensingh, Chittagong, Tippera, ommissioner's office, Presidency Division, 24-Parganas, Nadia, urshidabad, and the District Judge's office of Rajshahi and Malda, abna and Bogra, Hooghly, Dacca, Burdwan, Noakhali, Bankura, irbhum, 24-Parganas, Dinajpur, Mymensingh, Tippera, Chitta- ng, and in the office of the Small Causes Court, Calcutta, and in the egistration Department of Burdwan, Midnapore, 24-Parganas, Cal- tta, Dacca, Mymensingh, Rangpur, the memorandum No. 3540- A., dated the 28th April, 1931, have not been followed at all?

(*f*) Are the Government considering the desirability of drawing the ecial attention of the recruiting authorities of every department to hich the said memorandum applies?

(*g*) What further steps, if any, the Hon'ble Member intends taking r the observance of the said memorandum in future?

MEMBER in charge of APPOINTMENT DEPARTMENT (the on'ble Mr. W. D. R. PRENTICE): (*a*), (*c*), (*d*), (*f*) and (*g*) A state- ent is laid on the table. In some cases, the recruiting authorities have

not followed the Appointment Department memorandum No. 3540-54A., dated the 28th April, 1931. Their attention will be drawn to the matter.

(*b*) Yes.

(*e*), (*f*) and (*g*) The fact that no candidates from the backward classes have been appointed in a particular office does not necessarily imply that no attempt has been made to follow out the instructions contained in the Government circular, in some cases no candidates for appointment have come forward, in others candidates from other communities had a prior claim. Government are satisfied that this matter is receiving consideration, but the attention of all departments will again be drawn to the circular.

Statement showing the castes of persons belonging to the Backward Classes who were appointed substantively to the different offices in Bengal during the year 1931-32.

Name of office.	Number of persons appointed from the Backward Classes.	Castes of persons appointed.	Remarks.
Offices of the District Magistrates			
Howrah ..	2	Both Chasi Kaibarta.	
Darjeeling ..	2	1—Rajbanshi. 1—Buddhist.	Are classified as Backward in the Memo., dated 28th April, 1931.
Mymensingh ..	1	Namia	
Murshidabad ..	1	Mahishya ..	
Offices of the District Judges.			
Jessore ..	1	Mahishya.	
Pabna ..	1	Namasudra.	
Bakarganj ..	4	1—Dhubi. 1—Shaha .. 1—Jugi .. 1—Barber ..	Are not classified as Backward Classes in the Appointment Department Memo.
Registration Department.			
Hooghly ..	1	Mahishya ..	Are classified as Backward Classes in the Appointment Department Memo.

Rai Sahib SARAT CHANDRA BAL: Will the Hon'ble Member be pleased to state whether vacancies in the ministerial service are advertised in the local newspapers?

The Hon'ble Mr. W. D. R. PRENTICE: In Calcutta newspapers? I should think, not.

Rai Sahib SARAT CHANDRA BAL: No, in *mufassal*.

The Hon'ble Mr. W. D. R. PRENTICE: I really do not know. I do not think so.

Rai Sahib SARAT CHANDRA BAL: Is the Hon'ble Member aware that for want of a proper advertisement of these vacancies, the intending candidates fail to submit their applications?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I have no information about it.

Babu JITENDRALAL BANNERJEE: With reference to the statement, are the Chasi castes recorded as depressed?

The Hon'ble Mr. W. D. R. PRENTICE: The Chasi Kaibarttas call themselves Mahisyas and I think the latter come under the depressed class.

Babu JITENDRALAL BANNERJEE: Are they also included in the list of scheduled castes?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Babu JITENDRALAL BANNERJEE: And the Buddhists? Are they also considered as belonging to the depressed class?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice as I have not got the list with me.

Babu JITENDRALAL BANNERJEE: Is there one definition of backward class in the Appointment Department and another in the Political Department?

The Hon'ble Mr. W. D. R. PRENTICE: Backward classes, depressed classes and scheduled castes.

Babu JITENDRALAL BANNERJEE: I ask: is there one definition for them in the Appointment Department and another in the Political Department both of which are under the charge of the Hon'ble Member?

The Hon'ble Mr. W. D. R. PRENTICE: The Appointment Department and the Political Department deal with different subjects.

Babu JITENDRALAL BANNERJEE: In the Appointment Department are the Mahisyas recorded as depressed class?

The Hon'ble Mr. W. D. R. PRENTICE: No. As a backward class.

Babu JITENDRALAL BANNERJEE: Are they also recorded as backward for the purpose of scheduled castes?

The Hon'ble Mr. W. D. R. PRENTICE: They are not in the scheduled list.

Rai Sahib SARAT CHANDRA BAL: What steps do the Government intend to take in order to advertise such vacancies?

The Hon'ble Mr. W. D. R. PRENTICE: Vacancies are filled by heads of different offices and Government do not intend to issue orders regarding them.

Babu AMULYADHAN RAY: Will the Hon'ble Member be pleased to state whether this list is not meant for ministerial appointments only?

The Hon'ble Mr. W. D. R. PRENTICE: The order of 20th April, 1931, refers to ministerial appointments only.

Official receiver appointed in the civil courts of the 24-Parganas district.

*137. **Mr. MUKUNDA BEHARY MULLICK:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that an official receiver was appointed in the civil courts of the district of 24-Parganas in connection with Insolvency cases in about 1927 as a temporary measure;

(*ii*) that a pleader of the Alipore Bar was so appointed;

(*iii*) that a number of complaints has been made from time to time by the public, including the parties against the actions of this particular receiver in his official capacity;

(*iv*) that various remarks were made by some of the Judges in whose court the receiver had to work;

(*v*) that some of the Judges reported that his conduct was suspicious; and

(*vi*) that a unanimous resolution of the Alipore Bar Library was adopted and submitted to the District Judge of Alipore against his conduct requesting the District Judge to make a thorough enquiry into the allegations before making any further recommendation to the Government regarding the said receiver?

(*b*) Will the Hon'ble Member be pleased to state whether the Government is considering the desirability of taking any action in the matter before making any order on the suggestion made by the District Judge?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) An official receiver was appointed in 1928 for 3 years and re-appointed for a further period of two years in 1931.

(*ii*) Yes.

(*iii*) No complaint was ever made by the public against the actions of the particular receiver in his official capacity. Complaints made by the parties have been and will be decided judicially in each case.

(*iv*) Only one subordinate Judge who was in charge of insolvency cases made some remarks against him departmentally.

(*v*) No such report was received.

(*vi*) No resolution against the conduct of the particular official receiver was received. A resolution against the system of official receivers was however received in 1931, and counter petitions in favour of a continuance of the system.

(*b*) No suggestion has been received from the District Judge.

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Member be pleased to state whether it is not a fact that in view of a resolution passed by the Alipur Bar Library and submitted to the District Judge, an open enquiry was held by a Subordinate Judge with regard to the official conduct of the Official Receiver?

The Hon'ble Mr. W. D. R. PRENTICE: I have no information about it.

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Member be pleased to state whether a report was sent by the District Judge regarding the conduct of the Official Receiver?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing to add. I must ask for notice.

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Member be pleased to state whether in view of these allegations, Government should order an enquiry to be held in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: The period of re-appointment expires sometimes this year and the matter will be considered at that time.

UNSTARRED QUESTIONS

(answers to which were laid on the table).

Revisional survey in the Chittagong district.

108. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that during the recent revisional survey in the district of Chittagong a large number of certificates were issued against the raiyats of the khas mahal for realisation of "salami" equal to their rental?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state under what enactment and for what reasons the aforesaid salami was realized from the raiyats by issuing certificates?

(*c*) Will the Hon'ble Member be pleased to lay on the table a statement showing total amount of money realized from the raiyats as "salami" under the aforesaid certificates?

(*d*) Will the Hon'ble Member be pleased to state whether the Government propose to refund the aforesaid "salami" realized from the raiyats?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) During the revisional settlement a number of people were found to be in unauthorised possession of lands without payment of rent. The lands were thereafter formally settled with them and rent and salami were fixed. In some cases salami was realised by certificate. The salami was fixed on the basis of rent but was not equal to the rental in all cases.

(*b*) A salami agreed upon on original settlement is recoverable under item 7, Schedule 1, Public Demands Recovery Act III of 1913.

(*c*) It is not possible to supply the information without delay and considerable labour as it will entail examining a large number of records extending over a number of years.

(*d*) No.

Détenus in Bengal.

109. Babu KISHORI MOHAN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) how many détenus are now detained in different detention camps in Bengal with the names of each detention camp;

(*ii*) how many détenus are now interned in villages with names of the villages in each district;

(*iii*) the number of détenus arrested from each district for the last 3 years;

(*iv*) how many détenus are now interned in their own homes;

(*v*) the amount of daily allowances now granted to each détenu in the different detention camps, and to détenus interned in villages; and

(*vi*) how many détenus are getting allowances for their families and how many of the détenus have been refused such allowances?

(*b*) Will the Hon'ble Member be pleased to state the rules or principles, if any, which are followed in fixing the allowance of each détenu?

(*c*) Do the Government consider the position, status and income of each détenu when they fix the allowances?

(*d*) Do the Government, while considering the incomes of détenus, grant allowances equal to the actual amount which a certain détenu used to earn while he was free?

(*e*) If the answer to question (*d*) is in the negative, will the Government be pleased to state the reason why the actual amount earned by a détenu is not paid to him as allowance.

(*f*) In considering the allowances of a détenu do the Government take into account the payment of premia of life insurance policies of détenu who had insured their lives before their detention?

(*g*) In how many cases are the premia of such détenus being paid by Government?

(*h*) Are the Government paying the premia of all such détenus?

(*i*) If the answer to question (*h*) is in the negative, will the Government be pleased to state the reason for such differential treatment?

(*j*) Is it a fact that the amount of daily allowances granted to détenus two or three years ago have been curtailed?

(*k*) If the answer to (*j*) is in the affirmative, will the Government be pleased to state the reason for such curtailment?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) There are 949 détenus in the camps at Buxa, Berhampore and Hijli.

(*ii*) One hundred and twenty-five. Government are not prepared to state the places of domicile.

(*iii*) The information is not available and cannot therefore be supplied without an amount of labour which Government are not prepared to undertake.

(*iv*) Forty-nine.

(*v*) and (*vi*) Government are not prepared to furnish this information.

(*b*), (*c*), (*d*) and (*e*) The principle followed is that laid down in section 12 of the Bengal Criminal Law Amendment Act.

(*f*) Not ordinarily

(*g*) and (*h*) Government are not prepared to supply this information.

(*i*) Does not arise.

(*j*) Yes.

(*k*) The allowances are re-examined periodically in the light of existing conditions.

Babu JITENDRALAL BANNERJEE: As regards (*v*) and (*vi*) is there any minimum scale of allowance granted to these détenus?

The Hon'ble Mr. W. D. R. PRENTICE: Subject to the general conditions in section 12 of the Bengal Criminal Law Amendment Act, there is.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to inform us what the minimum scale is?

The Hon'ble Mr. W. D. R. PRENTICE: Government do not give any information on this subject.

Receipts of Road and Public Work Cess from the 24-Parganas district.

110. Rai Bahadur JOGESH CHANDRA SEN: Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*a*) What is the annual gross Road and Public Work Cess receipts in the district of 24-Parganas?

(*b*) What is the total collection charge?

(*c*) What net amount out of these cess-receipts is payable to the District Board of 24-Parganas?

(*d*) What establishment is being maintained for the collection of these cesses and the pay of each member of the establishment?

(*e*) Whether there is any possibility of cutting down the collection charges?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Rupees 4,72,159.

(*b*) Rupees 12,107.

(*c*) Rupees 4,60,052.

(*d*) No separate cess establishment is maintained, but proportionate cost of the collectorate establishment for cess work done as laid down in rule 142 of the Bengal Cess Manual, 1927, is recovered from the District Board.

(*e*) There is no probability of the collection charges being cut down.

Disposal of civil suits in the Burdwan district.

111. Mr. SAILESWAR SINGH ROY: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that at present in the district of Burdwan all the civil suits are instituted in the court of the 1st Munsiff;

(*ii*) that he tries most of the cases and transfers very few cases only to other courts as contrary to the previous practice of institution and trial of suits from different thanas in the courts of Munsiffs according to allotment;

(*iii*) that great inconvenience is felt by the litigant public for such arrangement; and

(*iv*) that due to shortage of hands processes cannot be timely served and decrees executed?

(*b*) Is the Government considering the desirability of reintroducing the old practice in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) This is the arrangement for Burdwan (Sadar) only.

(*ii*) Under the central court system prevailing at Burdwan the Munsiff in charge of the plaint receiving court disposes of all *ex parte* cases and as many contested cases as he can manage and transfers the rest to the other courts for disposal.

(*iii*) No complaint has been made by the litigant public: the system has considerably reduced the average duration of suits and as such is a great boon to the litigant public.

(*iv*) No instance of undue delay in the service of processes or execution of decrees was brought to the notice of the court.

(*b*) Government are considering whether the central court should be made permanent.

Special motion under section 78A (White Paper).

Mr. J. N. GUPTA: It is not my intention and I have hardly the capacity and the necessary equipment to pass in review the entire range of the difficult and complicated problems dealt with in the White Paper on the Indian Reforms. It is also obvious that not much useful purpose will be served by my simply reiterating the criticisms to which that important document has already been subjected. I am sure we all realise that both from the point of view of the momentous character of the issues involved and the wide range of the conflicting interests to be reconciled the task of delimitating the bounds of the advance which the great experiment in introducing self-government into India can safely take at the present stage of our progress the authors of the present document were faced with difficulties almost unparalleled in the whole range of the history of constitution-making in the modern world. This being the case we can well imagine that the greatest caution and the closest circumspection should be exercised by those who would be responsible for launching so mighty an experiment as the introduction of really democratic institutions for the governance of the people inhabiting the Indian continent. So far we are all willing to concede. But, Sir, if this document discloses that caution has been permitted to override the dictates of true statesmanship and justice and fairplay have been denied to India and the constitution now envisaged not only falls far short of Dominion Status which authoritative assurances, declared and implied, led us to expect, but there is hardly much real advance from the recommendations of the Simon Commission, then one wonders why it was necessary to waste so much time and money in seeking agreement with Indian opinion, when such scant attention appears to have been paid to their major demands. Sir, in the most recent defence of his policy and his handiwork the Secretary of State has stated that attention had to be concentrated in securing a strong executive both in the Central and in the Provincial Governments. It all depends, Sir, on what the Secretary of State means by a strong executive. We take it that it is not the Government view that there is any lack of strength in the present executive from their angle of vision. But the whole pith of the matter is that the people of India are clamouring for a different kind of strength to that on which Indian Government has so long relied, the strength that comes to a Government which is fortified by the willing partnership and co-operation of the people for whom the Government exists and functions. It is abundantly clear now from the chorus of disapproval that has been expressed all over India that the scheme outlined by the White Paper, unless materially changed and liberalised, will not succeed in securing for the future Government this form of strength, for the

simple reason that the present scheme seems to be vitiated by a deep distrust of the capacity and patriotism of the Indian people and betrays an unwillingness on the part of the British Government to transfer to them much real power, while the safeguards proposed to be imposed are such as to make smooth working of responsible parliamentary institutions practically impossible. But as I have prefaced before it would hardly serve any useful purpose by my repeating these opinions at any length. I shall satisfy myself by first briefly referring to the salient points in the Indian criticisms and then make some submissions of my own, not so much with regard to technical details as the underlying principles of the scheme, and to indicate the directions in which modifications and liberalisations appear necessary, particularly in the field of the provincial administration.

To begin with Indian opinion seems to be unanimous in apprehending that central responsibility under the conditions demanded in the White Paper is perhaps a chimerical and certainly a far off goal. Difficulties in the way of the realisation even in a partial form of the scheme of an All-India Federation, which is the coping stone on which it is proposed to base central responsibility seems to be unfortunately coming more prominently into view instead of there appearing any signs of their early and satisfactory solution. The present Chancellor of the Princes must have considerably shocked the sponsors of the scheme by his candid avowal the other day of the suspicions which he seems to entertain regarding the real motive of the British Government in asking the princes to enter the Federation. My personal opinion is that although the successful ascent to this inspiring goal of an All-India Federation will mark the high water level of British Indian Statesmanship, yet we shall appreciate the view point of those who, at the present stage do not realize the wisdom of basing the essential powers of central responsibility for the people of British India on the goodwill of the autocrats of the Indian States. Then even if this hurdle were successfully negotiated the establishment of a reserve bank under the conditions laid down in the White Paper, in spite of all the good intentions of the Secretary of State and the Viceroy is at the best a remote and distant contingency. No one who realises the real meaning and implications of the economic crisis through which India along with the rest of the world is passing can honestly build on hopes for a return in the near future to sound budgetary and economic solvency which is laid down as a condition precedent in the White Paper. These are weak points on the White Paper Scheme. I would, therefore, strongly urge that a substantial advance in central responsibility even without early materialisation of the Federal Scheme should be worked out by the Joint Committee,

and even a temporary relapse into the present form of irresponsible central Government as contemplated by clauses 13 and 202 in the White Paper should in all circumstances be avoided. The black spot, however, to which such universal umbrage has been taken is the attempt to keep up the Secretary of State's palace at White Hall simply for the protection of the public servants in India who will agree to serve India under the changed conditions of the future Government. Though I had the honour myself to belong to one of the Superior Imperial Services, I am unreservedly of opinion that the protection now sought to be given is far in excess of what the requirements of the case demand, and there is no substantial reasons for departing from the recommendation of the Round Table Conference that the future control of the Indian Services should vest in the Government of India. The White Paper has declined to make this transfer without a word of explanation, and as that great statesman, the Right Hon'ble Srinivash Sastri, rightly exclaims "the Government of India who will command the lives and fortunes of 350 millions of people and who purport to march forward to Dominion Status must appear before the world as not competent to appoint, punish and dismiss their own servants." Equal disappointment is felt with regard to the exaltation of the head of the Indian Government to a position which is not occupied by any other potentate in the civilised world at the present moment, and it must be very galling to His Excellency the present Liberal Viceroy of India that his hope of being the first constitutional head of the Indian administration should be so grievously disappointed. For the extraordinary powers—executive, legislative, and financial—with which it is proposed to overload the Viceroy and Governor-General under the new constitution will really make him a far more irresponsible and autocratic ruler than what he is even at the present moment. Similarly the financial safeguards are of such a sweeping and wide character and the future Finance Minister of the Federal Government will have control over such a small proportion of the Indian revenues, and the creation of a financial adviser to the Governor-General will be such a serious menace to the independent position of the Finance Minister that these clauses have been justly condemned by Sir Tej Bahadur Sapru as entirely nullifying all responsibility in the central Government. As regards the control of the Central Legislature over the Army and Army finance such a thing as a statutory recognition of the right of an Indian Government and Legislature to an effective voice in the determination of a single question relating to the defence of the country is entirely absent in the scheme, and in fact the Secretary of State has drawn particular attention of Parliament to this part of his scheme which does not propose to make any change whatsoever in the present position. We can easily imagine what keen disappointment must be felt at this complete flouting of Indian

claims in this most important sphere of their national life, and about the justice of which even the Simon Commission made a frank admission when it said that "either the British Government must be prepared to see greater changes in the Army in India or they cannot be sincerely pursuing the goal of self-government in India." On this crucial issue, therefore, there is no proof of sincerity of purpose on the part of the authors of the White Paper.

But, Sir, in this House and in a provincial Council we would naturally like to give more attention to the scheme of provincial administration outlined in the White Paper. We must all admit that when the scheme of provincial autonomy is actually introduced the new constitution will (as contended by the Secretary of State) give wide powers to the people of India to advance the best interests of the vast majority of the people. But, Sir, will this enhancement of responsibility and power have much real meaning unless the future Ministers have at their disposal larger financial resources for building up the national departments of the administration than what they have at present? After giving the matter my careful consideration I am convinced that there will not be much substantial change in this respect and the future autonomous and responsible provincial Governments will fail to justify popular expectations just for the same reasons as dyarchy has failed in most provinces and most notably in Bengal. My apprehensions are based on the following three important grounds:—

First.—In the scheme outlined in the White Paper unfair and preponderating attention has been given to the claims of the financial requirements of the Federal Government at the expense of the British Indian States and particularly of Bombay and Bengal, and there will be no substantial change in the unsatisfactory and unfair position in which Ministers were placed under the present system of dyarchy, and to which such forcible attention was drawn in the financial survey of the Simon Commission, namely, increase of responsibility without an increase of financial resources to enable those responsibilities to be adequately discharged.

Second.—The continuance of the top-heavy and extravagant scheme of the administrative machinery of the provinces. Far from any attempt to modify the present scheme in the light of actual experience with an eye to conserving our resources for the primary needs of the people of India, there is a tendency to still greater extravagance by the creation of new defaulting provinces which will necessarily require financial assistance from the other province of India.

Third.—The entirely indefensible decision about the public services which will prevent the future provincial Governments to effect any

radical and substantial retrenchment in the cost of the administration by depriving them of all control either in the recruitment or in laying down the condition and scale of pay of their servants.

Sir, I do not propose to deal with any of the above items at any length. As regards the first I will content myself with observing that I agree entirely with the opinion so unanimously and consistently expressed by generations of Indian publicists that the corner stone of future economic and budgetary solvency of India is to be found in a still further curtailment of the vast military expenditure which this poor country has to shoulder and which even Sir Walter Layton found is comparatively far in excess of the burden which is laid on any other civilised country of the world at the present moment. Sir, it might be argued that Bengal and this Council should be grateful for the promised relief to our revenue resources which will be augmented by a share of the jute tax and the income-tax receipts. But we maintain that we have a just claim to a far greater share of the revenue collected in this province which amounts on an average to about 36 crores of rupees. Even under the proposed constitution the province will have just between 12 and 13 crores to cater to the needs of a population of 50 millions of people economically crippled and enfeebled by widespread and enervating diseases. At least the province should be given half of the collections made in the province and it will be up to the representative of Bengal who will sit in the Joint Committee to secure for Bengal the whole of the proceeds of the jute tax to which it has an unchallengable claim and a larger share of the income-tax. In reply to those critics who wish to know how the Central Government is to manage with a still further curtailment of its resources my reply is that you can reduce military expenditure very substantially without weakening the strength of the defence of the country by raising a national militia as a second line of defence for the country. Sir, the total exclusion of the sons of Bengal from any share in the defence of the country is a standing disgrace and from every point of view we should press for a removal of this just grievance. As regards the second of the grounds mentioned above, I have always held that the most serious flaw in the scheme of the Montagu-Chelmsford reforms is the utterly indefensible and disproportionate cost of the scheme of the administration it introduced into the country. Sir, democracy may be a costly luxury, but is there any justification for the provision of a costly paraphernalia of highly paid Governors and Ministers for each province regardless of its resources and means. Will the smaller provinces be less autonomous and capable of performing the primary functions of self-government if they had either Lieutenant Governors or High Commissioner at their head instead of each province being provided with the same extravagant scheme which will not only leave nothing for themselves for catering for the primary needs of the people

but will also substantially cripple all the other provinces and prevent them from making any substantial progress towards raising the people of the country to a higher level of economic prosperity and general efficiency? I cannot resist the temptation of mentioning in passing that the present unhappy state of our country in this respect drew tears even from the eye of Mr. Churchill, but alas beyond a continuance of the old "imperial" mixture what other remedy has he for our ailments? Now coming to the services I am sure we all agree with Sir Tej Bahadur Sapru that the recommendations of the White Paper regarding the Imperial services are amongst the ugliest features of the scheme and will not only constitute a very grave encroachment on self-government and the responsibility and powers of elected Ministers but will make them impotent to carry out those schemes of retrenchment over which all the provincial Governments of India have during the last few years devoted so much time and labour. It may be said that the future provincial Government will still have power to reorganize and retrench in those provincial services over which they will have control, but will it either be fair or just to leave the highly paid services entirely untouched while applying the pruning knife to the already lowly paid services on which the bulk of the work of the administration really falls? Sir, I repeat that though there may be some excuse for safeguarding the rights and privileges, at least the essential rights and privileges of the existing members of the superior services, it will be wholly indefensible to deprive the Indian Governments in making necessary changes in the cadre and prospects of the future entrants.

Now, Sir, I have dealt briefly with some of the most important shortcomings of the scheme of the provincial administration as they appear to me. Will it be out of place, Sir, if I were to conclude by making some observations on what in my humble judgment constitutes by far the most serious objection in the future scheme of provincial administration, at least as far as it relates to this province of Bengal—I mean the Prime Minister's Communal Award which has been adopted in the White Paper also? I am aware, Sir, that under the express injunctions of the award it is not revisable except with the agreement of the communities concerned, and I also know that even such a wise and far seeing statesman as Sir. T. B. Sapru has opined that the communal award being one of the two pillars on which the whole of the present scheme stands we should not discuss the award but confine our attention to improving the superstructures only. But, Sir, I ask if the foundations are faulty is it of much use tinkering with the superstructure only? Sir, I cannot admit that having regard to the momentous issues involved in the Award we should on the present occasion, which is probably the last chance we will have to discuss this life and death issue for us on the floor of this House, we should seal our lips because

the last word on the subject has already been said. Sir, we cannot accept that the Prime Minister's Award is the last word as he has himself changed his mind in such an extraordinary, I might almost say, miraculous manner that he of all people should not mind if the Joint Committee and the British Parliament should put right the gross injustice which has been done to the politically advanced Hindu community of Bengal by this Communal Award. Sir, a representation of 50 only in the future House of 250 of the community admittedly and unchallengably the most politically and educationally advanced and the most experienced in the practical work of the administration through whose devotion, industry and self-sacrifice self-government has at last been possible for this province, I ask all Hon'ble Members of this House and all impartial critics outside to say if this is fair and just to that community and what is equally important if it is just and fair on the future constitution by depriving it of the services of the most experienced and politically advanced people just at the moment when more arduous responsibilities are being placed on it. But, Sir, it will be said as I am sorry to find our distinguished countrymen who represented this province at the last Round Table Conference has taken the trouble to inform us by his letter to the papers, a point to which emphasis has also been laid by the Secretary of State in his recent speech, that if this Award and the safeguards generally are not to our liking whose fault is it? Did we not, at least did not some sections and communities of Indians themselves, ask for them and would all of us had been satisfied if our demands had not been met? Sir Nripendra is a great lawyer but he has yet to qualify himself to be a wise statesman. True some of us asked for the safeguards and the special favoured treatment embodied in the Communal Award, but have you given us all that we wanted? Have you given us those precious privileges of political freedom and self-government for which with one voice all Indians made such a strong appeal at all the conferences for which Maulana Md. Ali thundered with last breath of his life and the great leader of Indian nationalism Mahatma Gandhi rose to such heights of eloquence and which were pressed by that greatest and most level-headed of all Indian statesmen since the days of Gokhale Sir Tej Bahadur Sapru with such unanswerable logic? No even Sir Nripendra realises that we have not been given all that we wanted and now when there is this united condemnation of the White Paper and a demand for the substance of real power will Sir Nripendra be able to persuade the Joint Committee and the British Parliament to give us all that we want? No, Sir, when we ask for poison they will throw overboard all their cherished convictions and their vaunted principles to oblige us in full measure, but when we ask for the elixir of civilised life-liberty to manage our own affairs will give us a drop and then proceed to tie us hand and foot in a manner which will make our failure almost a foregone conclusion. No, Sir, although our own communal differences and short-sighted

selfishness might serve as an excuse and an apology yet they do not justify the British Government in emasculating democracy in this fashion. Far more urgent than the need for propitiating Indian and British communal and selfish demands is the paramount duty which rests on the British Government at this crucial moment of saving their great experiment, perhaps the greatest in modern history, from any such internal canker, which if the lessons of democratic institutions have any meaning would inevitably bring about its decay and fall. And now at last when the whole of the Indian nation seems to be beginning to be disillusioned, and there is a trumpet call sounding through the length and breadth of the country for unity and the sinking of our petty and communal differences it is devoutly to be hoped that in this supreme hour of the nation's life history true sons of India will not fail in their duty and by their united wisdom and courage will be able to win for India a constitution which will be worthy of this great country and that renowned land the home and birthplace of all parliamentary institutions with which under the wise dispensation of Providence it has been our lot to be linked together.

Mr. W. H. THOMPSON: Mr. President, Sir, just as the report of the Simon Commission was generally condemned in India even before it was published, so it would appear that a great many of the Indian politicians made up their minds before the 17th of March to condemn the White Paper. Such were the first criticisms. But, Sir, that is the way in India and if it proves anything it proves that a document which displeases everybody specially favours none; in other words, that it is a remarkably fair and evenly balanced list of proposals, and if, Sir, I on behalf of the European Group accept it as such, I do not think any member will have the hardihood to turn my argument against myself and say apparently it has only favoured the British. We, Sir, in this instance are the people who are making the sacrifice. It is you, all of you, who are dividing the spoils. There is one point which is very well worth making in regard to the criticisms of the White Paper and that is, Sir, that since the first ones came they have shown a uniform improvement in the direction of becoming more reasonable and practical (with a little relapse on the part of Mr. Gupta). The original criticisms were to the effect that it was illiberal or even underhand on the part of the British Government to reserve any emergency powers, and yet the necessity for emergency powers is inherent in every constitution. To omit them is to leave no appeal except to the sword when the political machine is out of order. I said sword, Sir, but here in Calcutta it would be no such gentlemanly weapon. It would probably be as it was in the Corporation office compound the other day—the dagger and the half-brick. There is no need now to waste time on criticisms of that sort, and time

to-day is too valuable to waste. The report of this discussion is to go to the Secretary of State and this is the last opportunity that any of us will have to bring forward points of detail which have been missed in the past or any new arguments regarding old points. I believe, Sir, that in Bengal there are enough of us willing to serve, to make a sustained effort, to establish and work such a constitution as is outlined in the White Paper, with one proviso, I would say, that the prospect of success is even hopeful, and that proviso, Sir, refers to finance. As we know from our experience of life, when there is nagging in the family it is usually to be accounted for by shortage of funds. When there is enough money to make both ends meet and a little over, everything goes smoothly. For our new venture to be a success we may start provincial autonomy on a sound financial basis. In the past we have suffered from the makeshift adjustment of financial resources. It was a convenient rule of thumb to say that revenue which happened to be collected by the Central authority in 1919 should continue to be Central revenue and *vice versa*. There was never any logic in it. It left some provinces with a surplus, and it left Bengal, Bihar and Orissa and Assam with heavy deficits. Surely there was something radically wrong with a scheme by which the provinces which form the whole of the north-east side of India should be labelled for the world to see among the halt, the maimed and the blind. For Bengal, with its jute monopoly, with its rice crop, its tea and its coal, is not a poor province, nor with its jute manufacture and the other great industries which have grown up round Calcutta is it, compared with other provinces, backward in development. Why should Bengal beg for its living? We collect more revenue in this province, one way and another, than anywhere else. We do not beg; we claim as a right our fair share in the revenue which is raised in Bengal. The case was put in this House better than I can put it, better than I have time to put it this afternoon, by my friend Mr. Burn when he was speaking on the jute export tax on August 10th last. We have to some extent gained our point. We have been promised half the jute export tax, and the Government of India is to keep out of the income-tax not more than 50 per cent. nor less than 25 per cent. for its own purpose. But we have not gained our whole point. May I refer to that table on page 22 in which it shows against sources of revenue, powers of legislation and allocation of revenue; against export duty it shows powers of legislation—exclusively federal; allocation of revenue—federal with power to assign a share (or the whole) to units. The power of legislation must remain as it is, but we must press for an alteration in the last column. The allocation of revenue should be "Provincial with power to the Centre to appropriate not more than half from a province which has the necessary surplus revenue." We must continue to press for our share of the income-tax. We pay in Bengal 36 per cent. of the whole income-tax collected in India. Then, Sir, may I turn to paragraph 58, not a long paragraph, and read two sentences from it?

"It is anticipated that in the early years of the Federation, before there has been time to develop new sources of taxation (in particular Federal Excises), the above system of distribution is likely to leave the Federation with inadequate resources. It is accordingly intended to adopt a transitory provision by which the Federation can retain for itself a block amount out of the proceeds of income-tax distributable to the provinces."

It says a block amount out of the proceeds of income-tax is distributable, that is to say apparently the block amount is to come out before the distribution and the distribution is to be made to the provinces afterwards. It is not a separate block amount in each province according to the ability of the province to pay. Whether the block amount can be the whole 16 annas lawyers may argue, but we have a pretty shrewd hint from Sir Samuel Hoare that it would be very nearly so. I hold that this section 58 is a grave political mistake and I say so advisedly on general as well as particular grounds. Generally speaking it is the central revenues that are elastic and the provincial revenues inelastic, and between one province and the other there is a great difference in this elasticity. This is a case of emergency—shortage of funds at a particular time. Surely it would be right of the Centre with its elastic revenues to find all it could to meet such an emergency. If it is a question of increasing the income-tax, then the Central authority ought to impose the extra taxation rather than rob a province and force that province to a provincial surcharge on income-tax. This Group is definitely opposed to the provincial surcharge of income-tax. We want for Bengal our share of the tax itself. If in the emergency the provinces have to help, then the ratio in which they should help must depend on their ability to do so at the time. Those with elastic revenues and with balances must be the ones to supply what is required. It must be separate blocks taken from each separate province according as that province can afford to give. That is on general grounds; on particular grounds the argument is even stronger. Our case in Bengal is that we claimed our rights. As it were we have filed a title suit to establish our rights and have to obtain a decree in part. Section 58 is apparently shutting us out from our rights for another 10 years. On the other hand we can claim that as soon as our rights are established we are entitled to enjoy them. We claim that so far from the execution of our decree being deferred for 10 years, we ought to get a judgment which would give us mesne profits for the last 12 years.

Just two other points. I am not one who has a great belief in safeguards without goodwill, nor am I one who says that where goodwill exists safeguards are unnecessary. If you, Sir, make an arrangement with somebody between whom and yourself there was no question of there being any ill will, in the ordinary course you reduce your agreement to

writing. Why? Because it eliminates the possibility of a misunderstanding afterwards if everything is reduced to black and white. That, Sir, is the reason why we wish to formulate the safeguards.

It is a workable scheme to have the Reserve Bank and the Railway Board as separate entities removed from political interference. The Governor's special responsibility in regard to legislation is a thing which will work so long as it is clearly defined and understood by everybody. As regards the Governor's special responsibility in other matters, I am not so sure that it was a very sensible proposition to put off the reconsideration of the question of the services for 5 years. We have a proverb in our own country about not changing horses in the middle of the stream. I have heard it said that in time to come the Indians will appreciate how valuable their European servants have been to them and will be anxious to recruit more. It is possible that there are some Indians even now who feel that, but, Sir, it will be a long time, certainly a great deal more than 5 years, before your Indian politician will say that in public. Therefore, we may assume that at the end of 5 years the cry will be "no more Europeans," and indeed even in the interval recruitment may stop for lack of candidates; but there will be some recruits and there are those Europeans who are in the service now. There are no two sides of a question. Their services will be very useful in the near future and we must make it possible, if we can, to retain them.

(At this stage the member having reached the time-limit was allowed a few minutes extra to finish his speech.)

They are to have rights of appeal against dismissal and the Governor is to have a special responsibility for them. But I am anxious not so much for those who might be dismissed. What I am anxious for is those who continue quietly and unostentatiously to do their duty. An Englishman after three or four years in this country has to go on leave. If he has got leave due to him he is tempted to go earlier. An Indian in the same service has not got the same necessity nor the same temptation. If he is in a district which he likes or in a congenial job he does not go on leave. When the Englishman comes back from leave he has got to be posted, and if he is not given special consideration he will just be sent where there is a vacancy and the result will be that the Europeans in the services will be relegated to districts which nobody likes and to the uncongenial parts. I do not want the Governor to come down with a veto in an extreme case. I want the Governor to take a personal interest in the posting of Europeans officers. I want the Governor in his special responsibility to take a measure of control in the routine of the Appointment Department, and I want all heads of departments to have access to the Governor.

We have here in Calcutta a large European population and an international port open to the shipping of the whole world. We have a

hospital run on European lines for Europeans. The buildings of the Presidency General Hospital belong to Government and the maintenance cost is voted every year in the budget. The new Government will have some responsibility for its European subjects. Moreover, there are 19 Missionary Hospitals in Bengal which are financed from the pockets of Europeans, and if you add to the cost of these hospitals the subscriptions and donations which go from the pockets of Europeans it would be found to come to a great deal more than what the Presidency Hospital costs to run. In addition to the Reserve Bank and the Railway Board, outside political control, is it too much to ask that the Presidency General Hospital should be handed over to an independent board of management and should receive a statutory grant for maintenance?

Mr. SYAMAPROSAD MOOKERJEE: While speaking on this motion I do not think it will be possible for any one within the limited time at his disposal to deal with the various aspects of the recommendations contained in this document. I, therefore, propose to confine myself mainly to a criticism of the proposed constitutional changes affecting both the Central and the Provincial Governments. I would have liked to say a few words on the question of financial readjustment, particularly because I find that there is to-day a possibility of undoing a great wrong which has been done to one of the foremost provinces in India, a wrong against which protest has emanated from all quarters, inside the House and outside it, from officials and non-officials, from Europeans and Indians alike. But time will not permit me to do so. I pass on to a discussion of the recommendations with regard to the constitutional changes. I would like to apply one important test in criticising these proposals. The test will be: Do these proposals confer upon the representatives of the people of this country real and substantial powers to control their own affairs without any undue external interference? Now, judged by this test, I believe the concensus of opinion will be, so far as the Indian members of this House are concerned, that the proposals fall far short of the aspirations of the people of this land. Sir, it is indeed remarkable that up till now, not one single Indian politician of repute, not one public organisation of any standing has come forward to support in general the proposals contained in the White Paper. Amidst acute differences amongst ourselves, this unanimity of opinion is indeed a remarkable one. Now, what are the general features which we find so far as the recommendations are concerned? In the first place, the fact remains that many of the proposals display a lack of trust, almost fundamental and deep-rooted, in Indians and in their capacity to govern their own country. Then, Sir, with regard to the question of safeguards. I know Mr. Thompson says, safeguards are essential, but those safeguards have got to be scrutinised from the point of view of Indian interests. The question which we shall have to ask ourselves

is this. Were these safeguards necessary for the purpose of protecting the interests of the people of this country, or were they principally necessary for the purpose of protecting British interests? There is one phrase which occurred in the Gandhi-Irwin pact which is well worth remembering. It was to the effect that the safeguards which would be ultimately accepted, would be demonstratively in the interests of India, and that is the standard which I think it is our duty to apply when judging these safeguards. Thirdly, there is no mention anywhere in the White Paper of India's enjoying Dominion Status —an expression which has been studiously avoided by the framers of the document. Fourthly, we find no indication as to the processes through which we must pass for further progress in the path of self-government. The White Paper is ominously silent on this point.

I would like to refer, before I come to a discussion of the detailed scheme, to the speech which was delivered by the Hon'ble the Home Member to the Government of India the day before yesterday. While opposing the resolution, urging upon the Government of India to release Mahatma Gandhi, the Home Member is reported to have said this: "The Congress have a different picture of democracy to what the English people have; their picture was the Dictatorship of the Congress like that of the Communists in Russia." Now, it has been suggested that perhaps the Hon'ble the Home Member need not be taken seriously because the date on which he spoke was in the nature of a privileged date—the 1st of April. But we propose to take him very seriously; we would like to apply to the White Paper the principles of democracy as known to Englishmen, and find out how far they have been incorporated in the proposals before us.

Let us come first of all to the powers given to the Secretary of State. There we find to our satisfaction that the powers which were so long enjoyed by the Secretary of State with regard to the revenues of India have been taken out and vested in the Government of India. This is a change which must be regarded as desirable. The Council of the Secretary of State is abolished but he is to have a number of advisers. He is moreover to enjoy paramount powers with regard to the Imperial services. This is one of the fundamental weaknesses of the scheme under discussion. If you will look at the paragraphs dealing with this question, you will find that the Secretary of State will be responsible for framing rules affecting the conditions of service of all persons appointed to these services—their pay, their allowances, their pension, their discipline and their conduct. All these are questions which will be left to be determined by the Secretary of State. Now, Mr. Thompson said that the proporals are remarkably fair and reasonable. I would ask him to consider whether there is any other country anywhere in this world, where the control of the services is taken out of the jurisdiction of responsible Ministers who are men on

the spot, and vested in one living 6,000 miles away from the place where these officers are to serve. We find, further, that these rules must for some time to come be substantially the same as they are at present. So, the present anomalies are to continue unaltered. Then, there is the provision that the Secretary of State should have the power to prohibit the filling in any other way of any particular post which would be declared only reserved for members of these high services, or the keeping of any such post vacant beyond a certain period. Then, again, the rules with regard to the services, when altered, must have the approval of the majority of the advisers of the Secretary of State. I suppose this is deliberate. It is expected that *ex*-members of the Civil Service will be duly appointed as advisers and naturally their concurrence must be obtained before changes can be effected, for, who knows, the Secretary of State, himself a politician, may not always be trusted. There is no suggestion also that hereafter any attempt will be made to Indianise these services. The proportion is to continue the same as at present for 5 years to come. Then there will be a Statutory Commission to inquire into the whole affair. That is the Indian picture of that democracy, which Sir Harry Haig says is known to the British people. I am not going to refer at this stage to the detailed provisions with regard to the appointment to the services in India. But there again, I would like to point out that if there is to be a Federal Services Commission in India, that also will not be appointed by any one in India, but would be appointed by the Secretary of State. The Provincial Public Service Commission for the various provinces will not be appointed by the Indian Ministers, but will be appointed by the Governor in his discretion. And the large powers given to these bodies will practically weaken the position and authority of the Ministers. I would make my position perfectly clear. The services must have protection and a guarantee of continuity of service. But be they Europeans or Indians, they must be the servants, and not the masters, of the governments under whom they serve. To them they must owe allegiance and not to an alien Secretary of State.

Next, I come to the Government of India. In the first place, I would like to invite your attention to the powers which are transferred to the Viceroy. A distinction is deliberately made between the Viceroy and the Governor General. The Viceroy will in future control relations with the Native States. Up till now they have been under the control of the Governor General in Council, but in future they will not be the concern of the Federal Government at all. Why this special anxiety, may I ask, for the protection of the Native States? Sir, I believe the reason is this. You are introducing the Native States into the Federal Assembly; who knows a day may come when they may join hands with the Nationalists and refuse to be the mere upholders of the interests of Great Britain? So the Viceroy and the Viceroy alone must have the power to control the policy with

regard to the Native States and the Federal Government will have nothing to do with it. Is this in accordance with the spirit and ideals of British democracy? When we come to the detailed provisions, we find the same dyarchy introduced into the Government of India again. The same much-hated dyarchy, condemned by every one, by every shade of public opinion, has been introduced into the Federal Government of India. What are the reserved portfolios? Foreign Army and Ecclesiastical Departments. There is no mention that even at some distant date these departments will be under the control of responsible Ministers. Look at the transferred departments. There are two features of the scheme which are highly objectionable. You have in the first place the Statutory Railway Board to control the railway administration. Do you get a special board of experts, not responsible to Government, to control your transport in Great Britain? No, but as far as India is concerned, you must have a special Board, apart from the Federal Government.

Mr. W. H. THOMPSON: That is the case in England.

Mr. SYAMAPROSAD MOOKERJEE: Certainly, it is under the control of Government. Then, again is Finance really transferred to the control of a Minister? Who is this Financial Adviser? You have your Finance Minister, but you cannot trust him. There is provision for the appointment of a Financial Adviser who will act as a spy on the activities of your Indian Minister. Did the Governor-General need an Adviser when Sir Basil Blackett was Finance Member; or, when Sir George Schushter is the Finance Member? If you appoint a Sir Purshottam Thakurdas or a Sir P. C. Mitter as Finance Minister in the Government, must there be another Financial Adviser to sit between him and the Viceroy? What is the reason? You do not trust your Minister, and that is why I say that there is a fundamental lack of trust in Indians and in their capacity to govern. You must have in your employ a spy who will directly approach the Governor-General for vetoing the decisions of the Finance Minister or challenging his policy. Then you come to the law-making powers. Here again there are provisions of a most objectionable character. What is the position at the present stage? Laws can be passed by the legislature, and in the form of ordinances only under certain specific conditions under section 72 of the Government of India Act. There must be an emergency when such ordinances may be passed, and also it must be for the purpose of maintaining law and order. But look at the large powers which have been given to the Governor-General to frame laws. You have the powers of the legislature to frame laws, but are Governor-General's Laws in respect of ordinary affairs included in any constitution? Here, apparently, an attempt is being made to get a new definition of the word "laws", laws to be passed by one single individual and accepted by the people of this country? These

aws will relate to reserved departments and matters of what are called pecial responsibilities; these latter matters, at any rate many of hem, would normally remain under the control of your elected linister. Think of the position of such a Minister. Supposing he omes into conflict with the Governor-General, the latter may ignore im, may ignore the legislature and pass legislation and designate t as the Governor-General's laws. Over and above this you have the ower of the Governor-General to pass ordinances even in regard to rdinary matters, and also ordinances in times of emergency as at resent. Finally there is the provision for the suspension of the constitution in the event of a breakdown, a provision which no doubt is o be found in every constitution. But that is not our complaint. Our complaint is that extraordinary powers are given to the Governor-General which, if exercised, will be certainly to the detriment of the est interests of the country, and will render the entire system into farce.

When we come to the provinces, there are certain points to which shall draw your special attention. In the first place, I would invite our attention to page 78 where we find an arithmetical error, an instance of carelessness and haste which perhaps would make the Government of Bengal feel happy, for, after all, they would feel they are a good company.

The number of members for the Upper Chamber in Bengal is here iven as 65, but if you add up the detailed figures, according to Indian rithmetic, which, I believe, is the same as English arithmetic, the umber comes to 67!

The Hon'ble Mr. W. D. R. PRENTICE: May I explain——

Mr. SYAMAPROSAD MOOKERJEE: Not now please, for I have nly a few minutes left.

(At this stage the hon'ble member reached his time-limit but was llowed to proceed for two minutes more.)

Now that is the first point with regard to which I would invite the ttention of Mr. Prentice. The second point is of fundamental mportance. I do not know whether this again is an accidental slip or eliberately enacted. I mean, the procedure for the appointment of linisters. If you refer to the provision for the appointment of linisters, you will find a provision there that if the Ministers are not iembers of the Legislature, they *must become members* of the egislature within a specified period. The word "elected" is omitted. s that deliberate or accidental? The effect of this omission is of paraount importance, so far as Bengal is concerned. We are going to ave a second chamber and in that second chamber 10 members will e nominated by the Governor of the Presidency. May I ask, Sir, this means that it would not be impossible for the Governor to make,

say, Mr. W. D. R. Prentice, I.C.S. (retired), a nominated member and thereafter appoint him a responsible Minister in charge of law and order? That is a point on which I will ask Mr. Prentice to give his observations, if possible. Then let us look at the second chamber. Here again His Majesty's Government have deliberately flouted the opinion of the majority of the elected members in this House. We declared ourselves against a second chamber, but still it finds a place in the provisions of the White Paper. If we closely examine the powers which are given to the Governor, we find they are largely the same as those which are given to the Governor-General under the federal constitution. What will be the result? Even under the present constitution the Ministers, at any rate theoretically, do enjoy certain powers; for instance, if a Bill is rejected by the House relating to a transferred subject, the Governor cannot certify it, as he can do with reference to a reserved subject; or, again, if a grant is refused by the House relating to a transferred department, the Governor cannot similarly certify. Look at the large powers which are going to be enjoyed by the Governor under the new constitution. He will have special responsibilities as head of the province, and the power to make Governor's laws. These subjects will normally remain in charge of the Ministers. So there again there is the possibility of the Governor interfering with the work of the Ministers and passing laws without caring for the opinion of the Ministry or of the Legislature. To crown all, the Governor has the power to pass ordinances just as the Governor-General has.

Before I conclude I should just like to say this. I feel that here was a great opportunity for reconciliation, an opportunity which England has missed. We expected that the present bitter struggle was going to end, but in this expectation we have been greatly disappointed. There were two paths open to England as there must always be in similar circumstances. One was the path that led, if I may call it, to the temple of concord and harmony, to better understanding, to goodwill and mutual respect and trust. Of course that path could not be followed without a just and complete recognition of India's rights and yielding real powers and privileges to the representatives of her people. Naturally it would have been necessary for the Britishers to make some sacrifices. But that would have blotted out many a dark chapter of Indian history under British administration. Mr. Thompson just now said that the spoils now belonged to us, but, Sir, they do not. If you scrutinise the proposals carefully and minutely, the real spoils of victory still remain with Mr. Thompson's class. They have no doubt thrown some crumbs of bread to us, which, however, can never satisfy the rising aspirations of the people of this country. That was one path which might have been followed by British statesman which would have made the two countries friends and allies. There was another path—and that is the chosen path—which led to the consolidation of British might, British right

and British power, to the disregard of India's interests. Now, Sir, if that path is followed, naturally for the sake of appearances, as I have just now said, some crumbs of bread have to be thrown to us. But you cannot have an easy journey. The path will be strewn with severe obstacles and antagonism, coming from all sections of the country. There is bound to be tremendous opposition, as you proceed along that path and how do you propose to meet that opposition? The only weapon you have is wide-spread and ruthless repression; you have taken recourse to it and you may take recourse to it again. It is a fact which remains unchallenged that the greater the repression, the greater the consolidation of public opinion in the country; the greater the repression, the greater will be the hatred and bitterness of the Indian people against the Britishers. Is that a desirable thing, Sir, even for the Britishers themselves? The choice was before the British statesman and the choice has been made. It is, however, doubtful if their object will ever be achieved.

I appeal to all sections of the House so far at least as the Indian members are concerned, to sink their differences at this hour of trial. Let us forget even the communal award for the time being and look at the constitutional proposals now before the House. Let us sit together and formulate definite proposals which we would send to the Home Government. It is no use our offering criticisms one after another in this way. We want concerted action in the larger interests of our country, if we are to fight against the mighty forces which are at work in England and India to-day.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, the proposals contained in the White Paper have been discussed threadbare in all their aspects in the various Legislative Councils and in the press and I cannot presume to be able to throw any new light on them beyond stating my own personal opinion. To those who are familiar with the discussions at the Round Table Conferences, the White Paper brings hardly anything new; it contains little that we did not expect. No party in India appears to be satisfied with the constitution outlined in the White Paper proposals. Circumstanced as we are, no proposals can satisfy all. There is the Churchillian group in England opposed to any advance in self-government in India; there are others on the contrary who advocate the fullest measure of political freedom to Indians and there are the moderates who consider too rapid an advance dangerous. Similarly, in this country we have the two wings of the congress both wanting complete independence, the difference in their respective views being only one of degree. On the other hand, there is a very considerable number of people of all communities who are not only opposed to the severance of the British connection, but who favour gradual and orderly progress and consider protection of

minorities essential. They are suspicious of too advanced a form of democracy in this country and are afraid of the tyranny of a majority rule. Under such conditions, it is humanly impossible to frame a constitution which can meet with the approval of all. Within the short time at my disposal it is very difficult to go over except very briefly the whole field of the constitutional proposals contained in the White Paper. Personally Sir, I am not so much interested in the constitution of the central Government but in that of the provincial Government of Bengal, being one of those who consider it of the utmost importance that we should have provincial autonomy as early as possible even if the future constitution of the central Government be delayed. We have come to a stage of political upheaval in this country when an immediate change of government with the largest possible measure of self-government in the provinces can alone bring about peace. There will always be some who will feel dissatisfied and will agitate whatever form of government we get. We cannot help being dissatisfied. But what is required now is to aim at the largest good of the largest number, and this attempt must be sure and swift. During the last decade we have had enough of political turmoil, the country is seething with discontent and all constructive work is held up and the government of the country is simply drifting. The average man is tired of all this political strife, and is disgusted with the existing state of things. The proposed constitution is full of defects, both theoretical and practical. It is no use, however, trying to have an ideal constitution, which will satisfy all; neither to sulk or to obstruct, if the proposed constitution does not satisfy us. The way I feel about it is that we should make one more attempt to remove what we consider the most objectionable features of the constitution with the hope that the Joint Parliamentary Committee will yield to our representation. If they do so, we will be happy and satisfied; if they do not, we will try and work the constitution in the best interests of our community and our country trusting to the future for the gradual removal of our grievances. There will be always irreconciliables whom it is useless to try to reconcile. As I have submitted before, I am more concerned with the provincial Governments and I shall confine my criticisms so far as the proposals relate to the provinces. I agree with Mr. Thompson that the first fundamental on which the good government of any province should be based is good finance. It is hoped that the Government will probably get the whole of the jute export duty as was suggested by the Hon'ble Mr. Woodhead in his speech. But we want to go farther than that and want the Meston Settlement to be revised, of which I hope there is a very good prospect now before us, but we cannot stop there. We must also increase our resources by decreasing our expenditure. An attempt has also been made and is being still made to induce Government to retrench their expenditure, though, so far, that attempt has not been very successful.

Sir, there are four items which require some critical examination so far as the constitution of provincial Governments is concerned. These are—(*1*) safeguards covered by the special powers of the Governors; (*2*) the upper chamber in the Bengal Legislature; (*3*) women's franchise; (*4*) the proposals about the services. As an abstract proposition the special powers of the Governors are an encroachment on the responsibility of the legislature and an objectionable restraint on the powers of the executive elected by the people's representatives, but placed as we are, I consider some safeguards in the interest of good government to be necessary. It is no use shutting our eyes to the existence of the communal discord in this country. It cannot be denied that considerable nervousness is manifest among the minority communities about the treatment which they may receive at the hands of the majority. Political restraint of many years has crippled our national sense and has made us in spite of our claim to the contrary unfit for taking a broad view of things. I have sufficient confidence in ourselves to feel, however, that even if the fullest measure of responsibility is granted, we will be able to use such responsibilities to the best advantage of our country. But there are those who are nervous and for their satisfaction safeguards are necessary. Personally I am not afraid of these special powers. If we work the constitution honestly and justly for the good of all concerned, in the spirit of partners in the common enterprise, these special powers will rust from disuse. No Governor will go out of his way to interfere in the day-to-day administration of the province if it is carried on with goodwill and understanding. It is no pleasure to an authority to exercise the extraordinary powers which will be regarded unpopular and unconstitutional. For his own reputation the Governor will hesitate to use these powers lightly, but occasions may arise when interference is necessary to protect community rights and prevent civic disaster. From the sorry example we have in some of our local self-governing institutions we cannot claim I regret to admit an absolutely freehand in the administration at least for some time to come. It is not the existence of special powers which is objectionable, but its improper application, and this, I believe, will seldom occur. There is one aspect of these special powers which requires consideration. There is no suggestion in the proposals as to the adviser on whose advice the Governor will use these powers. If he does so on the advice of his Ministers and the powers are unpopular, the Ministers' tenure of office will come to an end. Whether he does seek the Ministers' advice or not people will always attribute such advice to them. Although the Governor will not be bound to seek the Ministers' advice by the constitution he will have to do so in practice. The proposal to vest the Governor with powers of legislation without reference to the Council is an advance even on the existing powers of the Governor and as such is objectionable and cannot be justified under

any circumstances. From what I have said above, I do not wish it to be understood that I approve of these special powers. What I mean is that the fears about them are exaggerated and there is no need for any one to get into hysterics because of them. What I honestly feel about them is that in actual practice they will not do us much harm.

Sir, the next point to which I would like to refer is the proposed establishment of the Upper Chamber. As has been stated by Mr. Syamaprosad Mookerjee, the House only a few months ago definitely decided not to have an Upper Chamber in this province and in spite of that decision—the majority decision of the House—it has been thought fit to foist this white elephant on the legislative body of this province. We shall have to pay for it and we very strongly protest against this proposal.

As regards services, I also agree in principle with what Mr. Syamaprosad Mookerjee has said. It is objectionable in theory that public services, the officers in the province, should not be under the control of the provincial legislature but should work under a foreign authority over which the legislature has no control. Sir, it is bad in principle. I do not mean that we want to do away with the European recruitment. Certainly have Europeans—have as many of them as you think necessary for the good government of the country. But they must be under the provincial Government and should be under the orders of the particular provincial authority under which he is serving. Whether the tenure of office or conditions of service are protected by the special powers of the Governor, I have no objection; but I certainly object to recruitment being made in England by the Secretary of State without reference to the provincial Government and the provincial Government having no say in the matter of promotion, dismissal, etc. Further, I am decidedly of opinion that as far as possible the services should be recruited in Bengal and from amongst those who are domiciled in Bengal as I have made it clear on many occasions, because I feel very strongly about all these various avenues of recruitment being merely eye-wash: they do no good. Bring Englishmen or Frenchmen by all means where they are really necessary for the good administration of this country and pay them handsomely, but to bring Englishmen or other foreigners of the same qualifications and calibre as are available in Bengal or to recruit Bengalis on the same pay as foreigners is objectionable from the financial point of view.

My next objection is with regard to the qualifications of the female franchise. Under the proposed constitution the females will derive their qualification through their husbands which is objectionable not only to us but to the females themselves. I have no objection

to females coming in the same way as men, but to have special power and that too derived through somebody else is objectionable in theory and difficult to carry out in practice.

Babu JATINDRA NATH BASU: For nearly half a century there have been insistent demands on the part of the Indians irrespective of class or creed for the establishment of a self-governing constitution in India. Those demands have been gaining in strength and volume with the lapse of years. The demand is a plain one that the country should be ruled in the interests of the children of the soil and that questions as what is beneficial and what is injurious to their interests should be decided by the people themselves who should have the controlling hand in the administration of their home affairs.

It is a principle which was recognised by Britain in the large-hearted way she treated her dominions after the eighteenth century. But in the case of India, attempts were being made to introduce reforms from time to time, such as the measure introduced by Lord Cross in the early nineteen of last century and the measures of Lord Morley in 1908. The reforms so introduced fell far short of what the people of this country wanted. Public distrust and discontent were not allayed. In 1917 came the inquiry by Mr. Edwin Montagu and Lord Chelmsford, whose death I deplore. The result was the Government of India Act of 1919. That Act laid down that the policy of British Parliament was the progressive establishment of responsible Government in India. The reforms so introduced did not, however, satisfy the people inasmuch as the powers given to the Legislature were so restricted that the Legislative bodies continued as before to be to a large extent merely consultative bodies without any substantial or effective power. The attempt to have Ministers appointed by the Governors in the provinces who in many cases did not command the confidence either of the majority of the people or of the Legislatures resulted in deadlocks which were not infrequent, so that the Ministers, in some cases ministries, ceased to exist and the entire Government had to be conducted on a reserved basis.

In the meantime, the distrust as shown by the British and the Parliamentary statute relating to the Government of India had their reaction on popular opinion in India. The trust which Indians and their political leaders of the last quarter of the nineteenth century reposed in Britain as regards her desire to help in the establishment of self-rule in India considerably weakened and the resultant distrust and dissatisfaction led to manifestations of political opposition other than ordinary political agitation. Subversive and violent movements, which did not disfigure the political atmosphere of India while there was general trust in the good faith of Britain gradually began to rear their head.

It was made clear at the first Round Table Conference by the unanimous voice not only of the representatives of all sections of the people of British India but also of the representatives of the Indian States that India did not want to continue under a system of administration said to be responsible to the British Parliament. It was also shown that such a system meant rule by permanent officials who were responsible to no one as in the ordinary course the Secretary of State and the Government in England accept the verdict of the permanent officials in the country and the British Parliament followed the advice of the Government for the time being in power in England. This humiliating position of India has been a standing source of grievance to all sections in India including the Indian States.

After three Round Table Conferences the findings to which the present Government of Britain has come to are recorded in the White Paper, which will be considered by the Joint Committee of both Houses of Parliament. That the recommendations have not satisfied any class of Indian opinion will appear from the protests that have been made by representatives of all classes and creeds.

The vital question of establishment of responsibility at the Centre has been passed over by stating that partial responsibility would be established after certain preliminaries had been fulfilled, namely, the entry of a certain proportion of the Indian States into a Federation with the British provinces and the establishment of a Reserve Bank under certain conditions.

Such an attitude is another mistake on the part of Britain in her relations with India. Those that have lived in this country amongst all sections of the people from Ruling Princes down to the labourer and the peasant know the strength of the desire for self-rule that animates them all, and also know that the spirit of distrust of Britain and dissatisfaction of the present order of things have steadily spread wider and deeper and have become organised to an extent not thought of about thirty years ago. That spread of dissatisfaction and the organisation of it are factors to which the Government of Britain does not appear to have taken into account.

The constitution of the Executive and Legislative authorities at the Centre are so heavily overweighted with official leaven that moving the machinery of administration will have more of the application of the brake than the normal movement of the machinery.

It is forgotten that such an attitude is likely to lead to a spirit of retaliation of which there are not wanting well-known examples in recent happenings elsewhere. Human psychology must be taken note of by politicians. If they try to suppress a natural growth emanating from a vast population, suffering and self-conscious, they might as well attempt to turn back the tides.

[illegible]an under the scheme, the grant of responsibility at the Centre co[illegible] defence, external affairs, and ecclesiastical administration will continue to be reserved subjects and to be controlled by the Governor General for an indefinite length of time under directions from the British Government and the British Parliament. It is forgotten that no people is devoid of the normal desire to protect their own kith and kin, their own belongings and their own country. The system that the Government has imposed on India as regards her defence is abnormal. It is an attempt to force the people to curb the insistent desire that is in every man to have the means to defend his hearth and home.

There has no doubt been some talk about Indianization and some unimportant units of the defence forces have been Indianized. But no time-limit has been fixed within which it should be the duty not only of the future central State in India but also those that for the time being retain the charge of defence as a reserved subject to see that the control of defence is ultimately placed in the hands in which in the natural course of things it ought to be.

As regards the external affairs, I do not think there is any widely felt desire that India should act in international affairs otherwise than in complete harmony with the Empire as a whole. But there are certain matters which are not questions of war or conflict but which affect economic problems alone, in which we should have a separate voice.

Some of the fields of expansion of Indian trade and commerce are those foreign countries or Colonies that lie near the borders of India or with which India was connected commercially in the past. In order to foster and develop mutual trade it may be necessary for India to establish trade agencies of her own with Afghanistan, Persia, Irak, Muscat, Hedzaj, the east coast of Africa, South Africa, the Federated Malay States, Ceylon and Siam. Those countries, as our ancient records show, had trade relations with us from a long time past. There is no reason why India should not have direct economic relations through her own accredited agents with those countries.

As regards the Ecclesiastical Establishment, the people of India do not desire to have any control over it provided the expenses are not charged on them.

As regards the reserved subjects at the Centre, it was urged on behalf of the people that the Governor General should nominate elected members of the Legislature to be his Counsellors in those departments so that a touch might be established between the reserved departments and the transferred departments and the ultimate transference of the reserved departments might be smoothly accomplished, and we might be saved those conflicts and deadlocks that marked the course of dyarchy in some of the provinces. The appointment of

Counsellors from outside emphasizes the fact of preponderance of the permanent services over the voice of the people. It will aggravate the grievance about a non-responsible executive and will lead to further spread of discontent.

The introduction of joint consultation between the Counsellors, the Ministers and the Governor-General will not improve matters as the Governor-General whose responsibility will not be to the Federal Legislature but to Parliament will then become directly associated with the everyday administration, a circumstance which will naturally give rise to further discontent.

Regarding the matters in which the Governor-General is going to have special responsibilities, I shall refer to a few, namely, the safeguarding of the interests of the minorities and of the public services, the prevention of commercial discrimination and the protection of the rights of the Indian States.

Regarding the protection of the interest of minorities, the Federal Court should have power to see that administrative action or legislation affecting the interests of the minorities do not injuriously affect those interests and that any legislative or administrative measure which takes away those safeguards should be declared as of no effect. It is inadvisable to vest the Governor-General who will continue to be the head of the bureaucratic system to come to a decision in such matters as such decisions are likely to be characterised as non-judicial.

Regarding commercial discrimination as explained in paragraph 122 of the Proposals in the White Paper, it is stated that the Federal and Provincial Legislatures should have no power to make laws subjecting any British subject in British India in respect of taxation, the holding of property and the carrying on of any trade or in respect of residence or travel to any destination. The Government of India should know that there is strong feeling in India against some of the Colonies and countries in which British Indians are not freely admitted and those that are admitted are subjected to severe and humiliating restrictions as regards moving about, the holding of property or the carrying on of businesses. The manner in which our countrymen have and may be treated in other parts of the Empire may make it necessary that failing diplomatic conversations it may be necessary to take measures for the protection of the status and interests of Indians, and for treating in a special manner those countries that ill-treat Indians. For instance, certain countries may be exporting coal to India and may be pushing out Indian coal from some of our own markets while they treat Indians as outcastes. There is no reason why India should not be entitled to make a discrimination in such cases. Some colonies have attempted to force their

produce like wheat, fruits and other commodities on us, competing with our own people in this country, while treating our people as undesirables. The Statute should enable us to see that we have sufficient power to prevent the continuance of such a state of things.

There is also the question of companies of foreign domicile and foreign management earning profits in India. Take the case of insurance companies. Of the large income from the premiums on life, fire and accident business the greater part goes out of India and is employed in helping the industry, trade and commerce of countries other than India. Why should Indian industry and trade be deprived of the use of a substantial part of the money that Indians contribute?

The White Paper proposes that the All-India Services should continue to be recruited by the Secretary of State and that they should be controlled by the Secretary of State. This would mean the curtailment of responsibility in the provinces, and in the transferred departments at the Centre.

As regards the higher services, a certain proportion may be recruited on an all-India basis, but there is no justification for the recruitments being made by an authority outside India.

Real progress of the people in some cases has been retarded in the past by the voice of the permanent services predominating over that of the people.

I refer to the weight of the dredgers tied round our necks, the scheme of Grand Trunk Canal which was almost carried out. The Sukkur Barrage which will keep Sind crippled for nearly two decades and send her go begging for subventions to maintain herself as a province. Responsibility may to a great extent be nullified if the old order of things is allowed to continue, and future Governments are deprived of the power to lay down cadres and appointments and to choose the instruments for the work to be done.

Regarding the provinces apart from the financial injustice to Bengal which shows the want of a due appreciation of her difficulties, the Legislative powers vested in Governors will negate responsibility. It is hard to believe how a ministry representing the opinion of the majority in the House can continue to hold office if their advice is not accepted by the Governor who may enact a measure in direct opposition to such advice.

Having regard to the manner in which the tardy introduction of reforms in the past has resulted in great difficulties, it was expected that the lesson of history would not be forgotten. But the White Paper has ignored history and has been oblivious of the trend of events. Certain sections of Indians had expected that the policy to pay what is due by instalments might succeed. But their optimism has weakned and their calculations have gone wrong. In spite of all the goodwill that

one may have, it is difficult to say that the White Paper will help in bringing about peace and will spread contentment in this country.

Rai Bahadur SATYENDRA KUMAR DAS: We are told by the Hon'ble Mr. Prentice at the fag end of last Saturday that the Government will take no part in the discussion of the White Paper.

If any Minister take any part, probably no Minister would take that trouble, he will do so in his personal capacity. Therefore, the Government will silently listen to our rather fruitless discussion; in a matter whose gravity will one day be measured by the future history of this country.

Sir, last year I supported Mr. S. M. Bose when he moved for an Upper Chamber in Bengal. Sir, I confess I did so after a great deal of hesitation. But I distinctly said that "the members of the Upper Chamber must be free from narrow communalism, which does not exist anywhere in modern politics in the world, in the same way as we unfortunately have it in our current politics in India." I am sorry to say that my apprehensions are correct. Our Upper Chamber, as suggested in the White Paper, is full of communalism and reactionary in all its aspects. We do not want it. And as there is a provision to abolish it, I pray for its abolition *in toto*.

Sir, in the matter of Finance we have some share in our (1) jute duty and (2) income-tax. But we did not get what we expected. And, Sir, we expected what rightly belongs to Bengal. We did not get any compensation for our jute taxes which were misappropriated by the India Government for the last few years.

Law and order are nominally transferred. But until we see how this department function, we have our suspicions. Probably, it will ultimately remain at the hands of Government authority; if it be so, Sir, where is the provincial autonomy? In the White Paper everything that glitters is not gold. Sir, something like dictatorship is created at the head of our future constitution. This dictatorship may be exercised against the wishes of the people. Dictatorship for nationalism is something different from dictatorship against nationalism. This is certainly a great retrograde movement. Let us hope that this should be amended in the Parliamentary Select Committee. We have an All-India Federation. It is a very big idea no doubt. But this big idea or idealism in politics has not been properly translated into action. Sir, the Medieval Princes have no interest in the 99 per cent. of political business of British India; still they will have a substantial voice in the deliberations of our politics to which they do not feel interested. They will check the progressive movement in our politics at every stage. Sir, the subject is too big and time for discussion is too short. I may be

pardoned to say that though we did not expect much, and cried for the moon, yet the constitution of the White Paper is certainly worse than what we anticipated or apprehended.

Mr. PRESIDENT: Before I adjourn the Council I should advise members to return the reporters' transcriptions of their speeches as quickly as possible, so that the proceedings of the present debate on the White Paper may be expeditiously drawn up for transmission to the proper authorities.

(The Council was adjourned for 15 minutes.)

(After adjournment.)

Mr. W. C. WORDSWORTH: Sir, Mr. Syamaprosad Mookerjee has spoken of mistrust, in an eloquent speech of which every sentence was as full of mistrust as it could be. As we are here to expound our own views for the benefit of a committee in England and not to controvert one another, I shall content myself with observing that in the opinion of many of us the safeguards in the White Paper are to be interpreted not as pro-European or anti-Indian, not as defences of any class, but as defences of the State. To most Europeans, certainly to the group I speak for and to myself, the Paper represents a sincere effort to do justice to the aspirations of advanced Indian opinion, while at the same time recognizing certain fundamental interests which are much more obvious to people in Great Britain than to most people here. A great deal of our discussion and a great deal of the discussion on the White Paper in other places in India, has turned on the safeguards, and in the importance given to them we are apt to neglect other things in the Paper that Indians might fairly call blessings. If these safeguards are found to be necessary in practice, every one will rejoice that they are there. If they are not found to be necessary, every one will forget that they are there. The Secretary of State, inheriting a brave policy, has to pass it through a critical Parliament, and that is a consideration we in India are apt to forget. The opinion that he has to accommodate himself to, in Parliament and in the country, is at once generous and apprehensive. The Secretary of State is no dictator issuing fiats. He is a statesman managing public opinion, and the public opinion of a sturdy country that insists on being convinced and refuses to be dictated to. In our views—I speak for the European group—the White Paper is informed with sincerity, lofty in purpose, generous in interpretation. We believe it never loses sight of India's aspirations, and we consider that it will do no good to India if on an important occasion like this we refrain from saying so. These are a few introductory remarks of a general nature.

I now turn to some specific details in support of what Mr. Thompson has said and by way of supplementing his speech. In the first place, I

hope it is not reactionary to say a few words about the size of the electorate that we are to expect if the White Paper proposals come into operation. There will be first the difficulty of working with so large and inexperienced an electorate in what we may call the transition stage. That, however, will be a purely transitory embarassment, and we recognise the importance of the educational influence of these democratic institutions. But the temporary inconvenience arising from want of experience and want of general education is of small concern in comparison with the danger that our new or enlarged institutions will eat up a large part of our new revenue. We expect our present revenue to be increased by some four or five crores, and we are already thinking happily about what we can do for our education, our public health, the improvement of our rivers and communications, from this access of income. Nevertheless we must face the situation that we shall be working with large and extended institutions, and that we should do all we can to prevent them from becoming unduly expensive. Politics is at best not going to be a cheap interest in the new State, either for Government or for the individual who wishes to engage in public life.

With regard to women's franchise, I am instructed to say that we are not at all unaware that the wife's vote may mean two for the husband for some time, just as later, when the wives find their feet in politics, it is likely to mean two votes for the wife and none for the husband, in accordance with the political principle that as a country becomes more democratised the weaker domestic partner correspondingly dominates. In this double way the purpose of this variety of the women's vote may be defeated.

Next I would say a few words about discrimination. Discrimination in commerce is more than touched on in the Paper, and the European community is grateful for that. There is, however, another kind of discrimination that may be necessary, and I would urge now that it be not overlooked. I mean professional discrimination. There is always the danger that the rising tide of economic and professional nationalism may impair the rights of minorities to the ordinary privileges of civilised life, and Europeans feel that unless the position is made clear there is a danger that sooner or later obstacles may be put in the way of European professional men exercising their professions in India. Therefore we feel that the constitution should ensure that properly qualified Britons should be given full rights of practising as barristers, solicitors, doctors, chemists, mining engineers, accountants and the like. And since in India the universities and the professions are closely connected, it should be laid down that if at any time it is found necessary the Indian Universities should be called on to work out an appropriate system of *ad eundum* privileges and standing.

Finally, I would say a few sentences about the Upper House. We in this group welcome what the White Paper says about it, but critically.

Especially do we commiserate with the one lone solitary European who according to the constitution is ensured a seat there. This appears to us no luxuriant direct representation, and we are painfully conscious that there is no certainty of an adequate number of Europeans getting into the House except through that narrow door of direct election. We see no likelihood, for example, that the new Provincial Assembly will implore Europeans to accept election by it in large numbers. So we would press for at least three direct representatives of our community. This, we submit, is not excessive representation for a community such as ours.

If, however, any further argument is necessary, I may arrive at the same conclusion by another path. This very point, of the inadequacy of the solitary man, was considered long ago in a document much more ancient than the White Paper, the Simon Report, or even the Montagu-Chelmsford pronouncement. I refer to the Book of *Ecclesiastes*. There it is said: "Woe to him that is alone when he falleth," and scholars assure me that "faileth" is an equally good translation. In the same chapter the doctrine is summarised more succinctly. "Two are better than one." This at once disposes of the contention that one representative will do for our community. But this is not all. Having arrived at the conclusion that two is the least number that will serve, we may remind ourselves of the poverbial wisdom that there's luck in odd numbers. The conclusion can hardly be challenged, and the European members of this House, therefore, submit respectfully that we have an irresistible claim to three members instead of the one.

A last word. In our opinion it is not enough that ten seats in the Upper House should be filled by nomination. That part of the Upper House is meant to give the State an opportunity of enlisting into its political service the experience and wisdom of those who have already served the public in positions of great responsibility. In this part of the Council we feel that 10 out of 65 is an inadequate reserve for men who can serve the State in this responsible and experienced manner, yet may for one reason or other find it impossible or inexpedient to enter public life in the Lower House or through the franchise of the voters. In saying this I am not at all pleading for Europeans. Most of the great offices experience in which will qualify for this nomination will from now on, I imagine, be filled by Indians, Europeans, I sadly fear, being seldom given the opportunity of distinction in such positions.

Mr. P. N. GUHA: Mr. President, Sir, I think Mr. Syamaprosad Mookerjee was not far wrong when he said that the White Paper has been condemned by all shades of public opinion in India. Criticisms published in the newspapers and made by the members of the different legislatures in India show that the proposals contained in the White Paper have not been welcomed by any Indian. Sir, I think that the

main reason for such adverse criticism is the disappointment that the proposals about the future constitution of India has caused. The people of India have been expecting a lot, in fact many of them have been hoping to see their motherland favoured with a *swaraj* but nothing of the sort has been indicated by the White Paper and it is for this reason that the condemnation is so strong. I think that the situation would not have taken such a disappointing shape if we had not pitched our hopes too high.

Sir, I would like to put a straight question to our leader and that is what was the justification for hoping so much? What was there to induce us to expect that Great Britain would grant us *swaraj* almost at once? Did any person in authority ever say that a complete freedom would be given to the Indians with regard to the administration of their country at a given date? The reply is bound to be in the negative. On the contrary those who have followed the policy of Great Britain with regard to the administration of India must admit that the declared policy had always been to lead India to the path of self-government by stages. This is a policy which was repeated in the preamble of the Government of India Act of 1919. Great Britain has been proceeding slowly and cautiously and the White Paper contains proposals which are only steps in advance. That this is the real case will be apparent to all who have watched the development in our own Province.

Sir, it was in 1862 that a Legislative Council with only 12 nominated members was established in Bengal. This Council was enlarged in 1893 when an indirect system of election was introduced. A further stage in the development was reached in 1909 when the number of the members of the Council was fixed at 50 out of whom 28 were elected. A stage further still was reached in 1912 under the Minto-Morley Reforms and finally this Council of 140 with a very large number of elected members was established in 1921. The White Paper contains the proposal of going a step further. That is all and it will be agreed that true to its declared policy, the British Parliament has been proceeding stage by stage. Non-realisation of the significance of this principle is the main cause of our disappointment.

Sir, however, strong the condemnation of the White Paper may be, it is safe to assume that the Constitution Act that will be finally passed by the Parliament in a few months' time will not differ much from the proposals embodied in the White Paper. Sir, Mr. Mookerjee and Mr. Basu have spoken at great length on the Constitution of the Federal Government at the Centre. I am inclined to think that they have been wasting their energy in criticising something which is not likely to come in the near future. Reading between the lines of the White Paper, particularly of clauses 12 and 32, one cannot help thinking that the Federal Government is yet far off. As a condition precedent there must be a Reserve Bank the working of which must be carried on on

non-political lines. Then the Princes must agree to come in. All these will take a long time and I do not think that there is any chance of having a federal constitution at the centre in the very near future.

Sir, I am decidedly of opinion that there is nothing to be disappointed of. The constitution is being developed by stages and the rapidity with which we have been allowed to go forward is simply wonderful. Not only the people are giving more and more powers in the legislatures but the Indianisation of the services is going on with a rapid space. It may be a news to the people of the younger generation but it is a fact nevertheless that Indians were practically debarred to work in responsible position even thirty years ago. I fully remember the agitation that was kicked up by the White Members of the Indian Civil Service when the late Mr. R. C. Dutt was appointed to work as the Commissioner of the Burdwan Division but the tide turned quickly and we have recently seen not only officers like our friend Khan Bahadur Abdul Momin promoted to the position of the Divisional Commissioner but Indians one after another acting as the Governors of the Provinces. A friend of mine was just now pointing out to me that the European element in the Educational service has practically disappeared within the last few years. This is being done everywhere. There is, therefore, nothing to be disappointed of. We are advancing and we shall advance.

Sir, several speakers have spoken at length on safeguards. It has been said that these safeguards are the results of distrust. They are providing safeguards because they do not trust us. Perhaps true but Sir, are we ourselves not responsible for the growth of such a feeling of distrust? Do we trust each other? A third party cannot possibly trust us when we the two main parties in the land cannot trust each other. But such distrust is bound to disappear when we will be able to set our own houses in order. The quicker we can do this, the sooner we will reach the desired end. A ruling nation from a foreign country cannot and shall not be able to stand in the way of our advancement if we can unite and if there is real solidarity amongst ourselves. There may be safeguards but they shall not be exercised if we can behave.

Sir, turning to the constitution of the Government of Bengal, I will first take the question of the Upper House which has been attacked by Khan Bahadur Abdul Momin and Mr. Syamaprosad Mookerjee. I thought that the Upper House would be the only place which will be free from communal poison but the constitution of it as outlined in the White Paper has disappointed us. There again the Hindus will be in perpetual minority and from this point of view I am no longer very enthusiastic over it. Next point is the franchise. This has been very satisfactorily widened and 16 per cent. of the population of Bengal will exercise the power of voting. This is a great gain. Turning to the financial question, we are all very glad that the possibility of our being

declared as insolvents has disappeared. But, Sir, I take strong exception to that particular clause of the White Paper which declared the jute tax as a central source of revenue. The money realised from jute tax is ours and I refuse to take a portion of it as a dole from the Government of India.

In conclusion I would unhesitatingly assert that the proposals are bad. The constitution as outlined is neither self-government nor Dominion status and certainly nowhere near democracy, yet I think we would do well to make up our mind to work it earnestly and devotedly. The time is bound to come when we shall reach the goal. It may be 10 years, 20 years, 50 years or even 100 years after but that is nothing in the life-time of nation. The onward march has begun and we must complete it.

Rai Sahib PANCHANAN BARMA: Sir, I beg to make a few remarks on the proposals on Indian Reform embodied in the White Paper, published on 15th March last. In 1917 the British Government declared their future policy on India to be that Full Responsible Government was the goal attainable through different stages. The Statutory Commission with Sir John Simon at its head came to India and made their report. Then about three years ago, the first Round Table Conference, composed of British Indian Delegates and the Delegates from the States, together with British Parliamentary Delegates, met in London; and the idea of Federation of British India and the Indian States came out as the result. Thence the idea of Federation developing through the second and third Round Table Conferences has now come out before us in the form of the White Paper.

According to the proposals of the White Paper there is to be an Indian Federation of the British India divided into eleven provinces, as so many autonomous units on the one hand and such Indian States as would agree to come within that Federation, surrendering to it such of its powers as may be required for the purpose of the Federation, as so many units on the other hand. So the two classes of units forming the Federation do not surrender to the Federation-authority the same range of powers—the States having made it plain that they would not submit to the Federation their internal sovereignty which they enjoy under their treaty-rights under the suzerainty of the King.

The refusal of the States to surrender their internal sovereignty as also their relation to the King necessitated the reservation of such subjects as defence of India, and external affairs, to the King and on his behalf, to the Viceroy or the representative of the King who is to be the Governor-General of India.

So, according to the proposals of the White Paper the Governor-General of India is to be the representative of the King, and defence, external affairs and ecclesiastical administration are to be the subjects for which he is to be personally responsible, not to anybody in India but to British Government and British Parliament. It cannot but be so in the present state of things. The States would have their treaty rights unimpaired except so far as are explicitly acceded by them to the King by an Instrument of Accession. The King or the British Government on the other hand has some treaty obligations towards the States and is bound to discharge these duties implied by those obligations. These duties cannot be discharged without the power of defence and external relation reserved to the King and to the Governor-General on the King's behalf. The States too would not agree to transfer their relation with the King from His Majesty to the Federal Government of India. The relations of India with Foreign States or countries outside India are to be conducted on behalf of India as a whole and not of British India alone, but the Federal Government do not represent the whole of India.

India is also to be defended as a whole; and so defence and external affairs cannot appertain to the Federal Government, but to the Governor-General or the Viceroy who represents the whole of India.

Nor, in the interest of Britain, will British Government be willing to give up at present the defence and external affairs. Taking both sides into consideration defence and external affairs are to be reserved to the Governor-General.

So far for the defence of India and external affairs reserved to the Governor-General. There is a second range of powers which are proposed to be given to the Governor-General of India and to the Governors of the autonomous provinces to be exercised by them personally for "certain clearly indicated general purposes" extending in operation throughout the whole province of administration. The Governor-General and the Governors are to have "special responsibility" for the fulfilment of these purposes. The purposes for which the Governor-General and the Governors are to have special responsibility are detailed in paragraph 25 of the Introduction, and in paragraphs 18 and 70 of the Proposals. On a look on the lists, it would appear that some of the powers are essentially necessary for securing good relations among the units of the Federation and of good administration of India as a whole. The purpose of safeguarding the interests of minorities is one of them; but there is no indication who these minorities are to be. Scheduled castes, helpless minority as they are, should be included as one of the minorities. Paragraphs 25 to 31 explain the need of reserving powers for special purposes. The anxiety

for explaining these purposes indicate the difficulty in keeping the line of demarcation between these two classes of duties, unobliterated in the discharge of the duties implied by these special responsibilities. The Governor-General or a Governor can override the advice of his Ministers in cases of conflict. This may be taken to mean so much curtailment of the powers of the Ministers responsible to the Legislatures, and so much of responsible Government. Careful provisions should be made to avoid hitch between the head of the Government and his Ministers and keep their responsibility to the Legislatures intact.

Apart from the reserved departments and the special responsibilities of the Governor-General and apart from the special responsibilities of the Governors, the Governments are responsible to the Legislatures and through the Legislatures to the peoples. The reserved departments and the special responsibilities may appear to some as crippling the Governments' responsibilities to the Legislature. But these are necessary limitations and should not be grudged.

The scheduled castes population form a very large proportion of the Hindu population of the different provinces of India. The provisions for giving the scheduled castes some reserved seats in the Legislative Assemblies and the Houses of Assembly, have made those institutions really democratic. The Poona Agreement by allotting to the scheduled castes a number of seats approaching in proportion to a certain extent, the number of population, has done a great service in the interest of securing the advancement of these castes and the solidarity of the Hindu community. The British Government also are heartily thanked for the ready acceptance of the Poona Agreement and correcting their former mistake, committed in the Communal Award. Some attempts were made before the Poona Agreement came into existence and some attempts are even now being made, to reduce the number of seats then and now respectively allotted to the scheduled castes. These attempts are having the effect of alienating the scheduled castes from other castes of the Hindu community. It would be better if the representatives of the scheduled castes and also those of other Hindus meet together and make up their differences. Unless there is a making up of the difference, the thirty scheduled caste seats in Bengal, to which the British Government pledged themselves, should not be allowed to be less.

The Poona Agreement has agreed to some effective arrangements being made by the Governments for giving facilities for education and for giving increasing number of appointments to the scheduled caste people and the British Government in their statements accepting that agreement accept those proposals as definite pledges given to the scheduled castes by the other Hindus. Although the fulfilment of these

pledges depends greatly on the conduct of administration, those agreements should be embodied somehow in the Constitution Act or in the Instrument of Instructions.

There is no indication either in the Introduction or in the Proposals that a member of the scheduled castes should be included in the Council of Ministers. The feelings and interests of the scheduled castes who are agriculturists are different from or even conflicting with the feelings and interests of the other Hindus, who are consumers of agricultural products, *zamindars*, money-lenders, etc. The conflict of interests were amply manifested at the time of passing of the Bengal Tenancy Amendment Act and the Bengal Rural Primary Education Act when all the other Hindus opposed the measures which are of vital importance to the scheduled castes. The interests of the scheduled castes are in danger if a Minister of the scheduled castes is not appointed.

The scheduled caste people are admittedly poor. And the preliminary election has imposed upon them an additional and very heavy economic burden. It is required for the needful purpose of securing to the scheduled castes representation of "their own choice." It may sometimes be difficult to secure a panel of four candidates as few can afford to spend twice so much. Here I urge that the panel should not be imperatively of four candidates but of candidates up to four.

The entry of the scheduled castes into the Upper Chamber of the Federal or of the Provincial Legislatures has been made very difficult, nay, impracticable, by the provision of the members of the Lower Houses being made to elect members for the Upper House. The scheduled caste member cannot expect to get elected by this method. The method should be so changed as to create some real practicability of the scheduled caste members being elected to the Upper Chamber. Not only this: it will be very difficult for a Hindu or a Muhammadan member to get himself elected in a Legislative Assembly where the majority of members are Muhammadans or Hindus respectively.

It is a good thing that fifty per cent. of the jute duty has been allotted to the revenue of the Bengal Government. Jute duty means depriving the jute cultivators of so much of the hard-earned value of their jute, and if that duty goes not to the treasury of Bengal Government but to the treasury of the Imperial Government, it means robbing Peter to pay Paul. If anything be taken directly or indirectly from the jute cultivators, that ought to be used primarily for the benefit of jute-growers and secondarily for the benefit of Bengal, the country of jute-growers. Not only part but the whole of the jute duty should be allotted to the revenue of the Bengal Government.

The White Paper mentions some conditions as pre-requisites for the introduction of the Reform. The entering of half the number of States into the scheme and the establishment of a Reserved Bank are

some of them. The fulfilment of both these pre-requisites means delay which should by all means be avoided. Any delay in the introduction of the Reforms will engender and increase among the Indian people the feeling of malafides in the British people and the *swaraj* movement will gain greater and greater strength in the country; as the delay is longer.

I would add here one item more. The Indianisation of the military forces in all the branches should go on as rapidly as possible. To keep the Indian people outside the control of the armies, means disbelief in them, also that they should be kept under British control for an indefinite period of time. This also means keeping the Indians emasculated and unfit to take up the defence of their own motherland. This again means that the British people do not want India, as they so loudly say, to be an equal partner within the Empire and to give them a really responsible Government.

In the recruitment for the army ranks and officer, earnestness to be recruited should be taken as a test. Those communities who came forward to join the defence of the Empire during the last Great World War, proved their innate capacity for defence and willingness to come forward for the defence of their country should be given better facilities.

Mr. RAZAUR RAHMAN KHAN: Sir, it is rather difficult to say anything new or startling on the White Paper which we are discussing to-day. The matter has been before us for a long time and the principles have been discussed threadbare. The matter has been discussed from different points of view, and I think I can hardly say anything new on the subject. This document has been prepared by His Majesty's Government after a full and mature consideration of the views that have been put forward by the different interests concerned: Future proposals will be based on the proposals set out in this document. So we should try to give the impression we have been able to form after going through this paper. Sir, in drawing up these proposals there were two fundamental views in front of Government, and it was the intention of Government to harmonise those two views. One was to satisfy the legitimate aspirations of His Majesty's Indian subjects towards what we, the moderate section of the country, call Dominion Status and to which we were led by some great men in England. Another view was to safeguard the interests of the Britishers here. The British Government constituted as it is cannot but give more stress to the point of view of the Britishers than that of the Indians. Therefore the underlying principle of this White Paper is to lay more stress on the safeguards than on the legitimate aspirations of the Indians. Now, Sir, it is impossible for us to go into ecstasy over it.

I think, Sir, the time at my disposal will not allow me to go into the details of the different proposals; so I shall take a few of the salient points and try to focus my own views on them.

First, let us consider the common interests of India: Here we have it that the future Federal Government at the Centre is going to be contingent on the adhesion of the States to the Federal Government. When at the beginning of the first Round Table Conference the idea of Federal Government came into prominence, there was jubilation in the country. But there was a twinkle in the corner of the eyes of some Britishers, because they knew that there could never be a real working partnership between the Indian States and the British Indians. In this connection I must say that we owe a debt of gratitude to the Britishers. It is they who have raised this aspiration in the minds of the Indians for self-government, it is they who have instilled in us the idea of patriotism and nationality and all this agitation has been created by the Englishmen. Now, what do we find in the Native States? I know I shall be treading on dangerous grounds, but I say that in the States everything depends on the caprices of the Princes, who wield most autocratic powers. So really speaking there cannot be any understanding between the two parties, and the sooner we disabuse our minds of the idea, the better for all. Let British India work alone instead of waiting for the chimera of a federation of British India and the Indian Princes.

Now, Sir, coming to the composition of the Federal Chambers at the Centre, we find that Moslem interests have not been adequately safeguarded. We are going to have a bicameral chamber in the Centre—the Council of State and the Federated Assembly. For the Council of State the allocation of seats is on the basis of units and the election to that body will be by single transferable votes. The position of the Moslems will be jeopardised there and they will not be adequately represented. In the Federated Assembly out of 250 members only 80 seats have been allotted to Moslems. We hope when the adhesion of the States coma into being, Government will allocate the seats in such a manner that the interests of the Moslems are fully safeguarded and that they may have one-third or 33 per cent. of the total number of seats.

Now, Sir, there are also several retrograde proposals in the White Paper. Firstly, we come to the safeguards which have been thought necessary to provide at the Centre. I think they are not necessary and Indian aspirations cannot be satisfied as long as they or most of them are not done away with. Then, Sir, there is the power of the Secretary of State. Well, there are some powers which for the time being should be vested with the Secretary of State and I thoroughly agree with Mr. Thompson that the interests of the services must be fully safeguarded: We are going through a long period of transition and the services will naturally be the pivot on which we shall have to depend for some time.

There is another proposal, and that relates to the Railway Board, which I consider to be a very retrograde step. In the future development of India, railways as a means of transportation are going to play a very important part and the Railway Board should come under the purview of the Central Federated Legislature.

Now, I come to the constitution as it is adumbrated for the provinces. Here we must be fair and just in our criticisms. I admit that I consider the present proposals are, if not wholly satisfactory, at least a great improvement on the present constitution. As to the future working of the constitution, it is all going to depend on us. If we work with goodwill and sincerity, I think we can make the future constitution of India a great success. The future of the country depends on us; it cannot depend on people living six thousand miles away. If we want to succeed, there is nothing in the world which can impede our success. Therefore I would ask everybody to unite together and accept whatever we get now and work the constitution, so that we can get more in the future.

In the provinces His Excellency the Governor has been given too much power, but if those powers are used with discretion—and I am sure they will be so used—we have not much to fear on that account. We are also thankful for the proposal to right a long-standing grievance of our province and we are thankful for the small mercy in the shape of a percentage of the jute tax. In this connection we must thank our successive Finance Members who have tried their level best to secure this tax for our province. We must also express our gratitude to His Excellency the Governor for the bold stand he has taken, and we wish that our representatives on the Joint Select Committee will exert their utmost influence and spare no efforts to get the whole of the jute tax.

There is one matter over which we are very much aggrieved. After the decision of the House as regards the Second Chamber we never expected that His Majesty's Government would take no notice of the opinion and determined action of this Council and of the people at large. The present financial stringency of Bengal is so great that she has gone to the extent of cheese-paring. We are in greatly straitened circumstances and we cannot afford to build a house that will be necessary for the Second Chamber. Then, Sir, it is proposed to have a block of the nominated members on that Council. Sir, nomination is certainly a vicious thing in itself. It debases the man who nominates and it debases the man who gets the nomination. But if you are going to inflict a Second Chamber on us, then let there be no nomination to that body.

Then, Sir, there is another point. We are glad that the franchise has been extended. When our Government—I mean the Hon'ble Mr. W. D. R. Prentice—have thought fit to extend the franchise, we shall use it to the utmost. Labour has been recognised and they are going to play a large part in the future administration of the country. But there

is another point on which I must raise a discordant note, and that is about the franchise to women. I am glad that women have been given franchise, and I would have been more glad if larger franchise were given to them. We want larger number of women here and I think that two dozen seats should have been given to them. But, Sir, we cannot agree to the recognition of the principle that the woman derives her voting right through the right of her husband. Women must stand on their own legs. Let us have adult women suffrage, but let them not depend on their husbands or fathers or sons for voting right.

I think I need not take up more time of the Council. There is one point on which I should like to lay stress and that is about the non-recognition of the right of the Moslem Chamber of Commerce to a seat in the Commerce Constituency. The Moslem Chamber of Commerce represent a very important section of the commercial and mercantile activities of this province. Moslems have got a very large stake in the commerce of this place and it is only fair that their right to a seat in this House should be conceded. I hope when His Majesty's Government gives the final shape to the new constitution, it will give full consideration to this matter.

Mr. K. C. RAY CHOWDHURY: Sir, I confess that the debate to-night or rather this afternoon on such an important subject has been neither interesting nor exciting nor illuminating. I expected a more lively and spirited debate than the one we have had so far. My friend Mr. Syamaprosad Mookerjee raised the question of services—that old old story of loaves and fishes and the question of recruitment in England. He has been in England and he knows full well that even in the colonies which enjoy Dominion Status they import recruits from England for their Civil Service. It is also well known that here in India with the fullest autocracy and paramountcy the Nizam of Hyderabad gets the services of European experts not by compulsion or force but for the benefit of the State. Sir, I speak from personal information. There is another point and that was raised by Khan Bahadur Abdul Momin, which related to the Upper Chamber. Does he not know that in all democratic countries of the world there is such a thing as a second chamber? It is neither in Australia nor in New Zealand that they have a second chamber, because they do not realise the significance of it. I will give an instance where the second chamber is expected to function very rightly. Suppose there is a communal riot and the lower chamber passes a legislation which brings a terror on the people; it is the second chamber which will rectify it and remove the cause of terror. We hear that the second chamber will afford protection to the landlords and that it has been introduced in all the permanently-settled provinces. Nothing of the sort. Some members think that whatever money is collected in Bengal goes into the provincial exchequer. It is not so. The custom

duties are used for central purposes alone. We are going to have half of the jute export duty and a portion of the income-tax and we are jolly grateful for that.

As a representative of labour, I protest against minimum statutory protection of millions of workers and *raiyats* and sixteen annas safeguard of the racial and religious minorities proposed in the new constitution. Property, payment of taxes, education and status have formed the basis of franchise. But universal adult suffrage is the surest guarantee for a stable administration. While discussing the franchise, the Delegates of the Round Table Conference made too much fuss about stakes in the country. They have yet to realise that no one has greater stake in the country than the stake of his life and millions of wage-earning workers and toiling peasants, who have much larger stakes in the country than those who have properties. However I am profoundly grateful on behalf of teeming millions, who live by the sweat of their brows, that the new constitution has recognised this principle, so far as industrial workers are concerned, by granting them adult suffrage in special labour constituencies. It was a very clever move on the part of the labour cabinet in 1929 to appoint the Whitley Labour Commission and that Royal Commission recommended special labour constituencies, which is incorporated in the White Paper. It is for the first time in the History of the East, nearly 5 million adult workers, males, females, Hindus, Moslems, Christians and Sikhs, are given the privilege of recording their direct votes, in non-communal constituencies, irrespective of creed or colour and without educational or rental or any qualifications. This seems to me the redeeming feature of the peculiar constitution. This peculiar constitution is unknown in ancient, medieval and modern history hedged with communal, racial and anti-social compartments. As a Trade Unionist, I would welcome inclusion of certain fundamental rights of the workers and peasants in the constitution; specially freedom of association and combination, free and compulsory primary education, a living wage for industrial workers, old age pension, unemployment and sickness benefit, housing of the workers and permanency and perhaps non-transferability of peasants' holdings. Some of these items are there in the articles of German and other post-war constitution. I would urge the Select Committee to reconsider the case and include them as special responsibilities of the Viceroy or the Governor. I give you my reasons. Thanks to Bombay mill-owners, the Government of India has already embarked on a career of protection and it is almost certain that under the new constitution the Industrial Magnates will influence sixteen annas protectionist legislation in the Federal Assembly, with the help of the nominees of the Princes, who are after all the financiers of the Western India industrial undertakings. Before long, you will find the country studded with mills and factories and many more thousands of peasants

will be torn away from their village homes, to work for wages and the history of the industrial West will repeat itself with its tale of miseries and suffering. So far as I can foresee, the Federal Legislatore will, at the instigation of the Princes and Financiers, oppose new labour legislations and will even repeal the few protective Acts, we have in our Statute Book. The nationalism of the present India is an industrial nationalism, the collectivism of Bhatia, Parsee, Guzrathi and industrial magnates—Bengalees have no share in it, call them nationalism *cum* industrialists. The future war-cry in India will be India for Indians and that will frighten British capital and the leading industries of Bengal will probably pass into the hands of Marwarees and Bhatias. British industrialists, with their knowledge of labour movement in the West, have not so far treated Indian industrial workers as mere coolies, but things were very different in Bombay only four years back and labour conditions, wages, housing, gave the communists a splendid handle for political exploitation. I foresee more frequent clash between labour and capital. The old traditional disregard for welfare of workers and peasants will perhaps revive and the Governor or the Viceroy will be called upon to exercise his special responsibilities to maintain peace, not in the interest of poor and oppressed workers but in the interest of capitalists, paying super-taxes. This is exactly what happened in connection with Meerut Trial, which not only meant great waste of tax-payers' money but which will go down in Indian History as the surrender of fair play of Lord Irwin's Government to Bombay mill-owners who actually started the ball rolling. I say this on the authority of a Labour Cabinet Minister, Mr. George Lansbury, who told me verbally, after looking into correspondence between India Office and Delhi, dealing with Meerut Trial. It is all moonshine, this transfer of power from White Hall to New Delhi, for the benefit of Indian masses as that power will be exercised not by the *bona fide* representatives of the masses, but by a house, packed with Princes, who claim divine Kingship right to rule and the communalists. The White Bureaucracy will be replaced all right by Brown Oligarchy, with all its oriental splendour and fashion. A great Indian patriot has said the other day in London that under the new constitution, the only man, who will get *swaraj* in India, is the Viceroy, or, in other words, the Viceroy will be vested with undue executive powers. Let us assume that he will be almost a Dictator under the new constitution. Indian workers and *raiyats* for whom the British Parliament claimed theoretical trusteeship, will welcome such a Dictator, if he dictates in the interest of Indian masses, at least for a few years to come until mass education spreads far and wide.

What is my constructive suggestion? Let it be included as special responsibilities or even in the instrument of instructions, the consti-

tutional protection of the economic interests of India's millions, and call it the safeguarding of the interests of workers and peasants. Let there be not ten but at least twenty seats for labour in Federal Assembly, where international labour conventions will come up for discussion and adoption. There is an impression abroad that the Congress stands for fair and square deal to workers and peasants. In fact, they adopted in their Karachi Resolutions, a portion of Soviet Plan, under the inspiration of Mr. Jaharlal Nehru, who visited Moscow. The late Mr. C. R. Dass preached "*Daridra-Narayan*" from his Mayoral Chair in Corporation and this was repeated year after year. That "*Daridra-Narayanism*" was put to the test, during the strike of the Conservancy staff for fair wages and gratuity and it proved a mockery. Even the grant of two days' strike bonus, sanctioned after two or three days' wordy debates, some five years back, has not been paid. In this connection I may quote a few sentences from the Corporation proceedings: "Babu Jitendriya Nath Basu said that they had been playing fast and loose with their poor comrades whom for years they called scavengers. They ought to have removed the grievances of these men in 1924. What had they been doing? They had been trying to shelve the question all these years. The Corporation were responsible for this strike and not any outside agency, not Miss Das Gupta, nor Mr. Daud, nor Mr. K. C. Ray Chowdhury. The Corporation sat tight on the grievances of these men since 1924. They must admire the patience of these scavengers who had waited from March, 1924, to March, 1928. These men went on strike in March, 1928, when having obtained an assurance, they resumed work. Then the Corporation tried to shelve the matter and bluff them. After having committed repeated breaches of faith on this question with these poor comrades of theirs, it was just and proper that the Corporation should make some penance and they should not grudge this small sum of strike pay. Having committed repeated breaches of faith in the pact it was now up to the Corporation to make amends and not deviate in the least from the very wholesome recommendations put before them. It was a question of congratulating themselves that they had been able to settle the matter so cheaply." Nationalist leaders like Mr. J. M. Sen Gupta and Mr. Subhash Chandra Bose, and minor fries like Mr. Madan Mohan Burman, have frequently interfered in strikes, only to prolong the suffering of workers. Assam-Bengal Strike, Lillooah Strike, Tin Plate Workers' Strike at Tatanagore, the strike of the carters and the unfortunate shooting that followed, are examples of nationalist paper activities. Thank God, that our friend Mr. Jalaluddin Hashemy, Nationalist Moslem—we all regret his absence from this House, he was fully occupied with his Corporation election or else the latest strike of jute workers in Garden Reach, could not have been settled and would have dragged on until the poor fellows collapsed from starvation.

Mr. PRESIDENT: You need not go into all that, Mr. Ray Chowdhury.

Mr. K. C. RAY CHOWDHURY: Very well, Sir.

The Trade Unionists of India do not care for narrow grooves of nationalism. They preach and practise internationalism as that is the only safeguard against war and guarantee for international peace. Chinaman or a Jap, with his peculiar customs and culture, is a downright foreigner to ordinary Indian citizens, but an Indian worker will soon make a common cause with Chinese or any foreign worker as both of them are vitally interested in common things, wages, working hours, benefits and other conditions of work. The League of Nations, through the Labour Conferences, is uniting the workers of the world and time is not far when workers' organisations will have the biggest say in war and international rivalry for commercial supremacy. Coming to the question of special responsibility to mediate between labour and capital, between employers and employees, let us assume that there is a strike of Corporation scavengers in a much bigger scale than the last one and the sanitation of this great city is endangered, while the Corporators will be engaged in a wordy debate for a week or so, without making any honest efforts at conciliation. The would-be Ministry of Local Self-Government will be useless and perhaps the Home Member will be asked to break the strike, with the help of the police. In fact, the police was employed to break the last strike, without even the knowledge of the then Home Member. In a case like this and many hundreds of cases of industrial and labour strikes, that will crop up, the Governor of the province should be the only authority if he has special power to deal with big industrial and labour deadlocks, endangering public safety and standard of living. I would, therefore, suggest amendment of the list of Governor's responsibilities and add—the safeguarding of the legitimate interests of workers and peasants—similar addition should be made to the list of special responsibilities of the Governor-General as Railway and Marine Labour, Postal and Telegraph Service are Federal subjects and adoption of International Labour Conventions.

The old idea of constitution-making has changed—all the theories of Prof. Dicey and Woodrow Wilson about constitution have been upset—even old ideals, about democracy, *viz.*, good Government, is no substitute for self-government in exploded old ideas about proportionate representations—the relation between the executive and the legislative—all these have proved their usefulness in the past—a modern democratic constitution is founded purely on economic basis as its foundation and every question that comes before the Legislature has to be thrashed from an economic standpoint for greatest good to the largest number. This must be so, specially after that devastating

War and its natural corollary, the present world-wide economic crisis which is shaking the foundation of so-called civilisation. Intensive agriculture and mechanised industrialism have almost ceased to be economic. Whence are you going to gather your revenue for costly and even efficient administration—all the sources are drying up, international rivalry and complications are choking nationalism. We must, therefore, devise a new constitution, with novel features to meet the needs of the day and the needs of millions of Indian producers at the mercy of so many persons and factors—Famine and over-production and the unemployment of graduates and its sequence, *viz.*, violent non-co-operation.

Anyway the Indian masses are willing to give a lead to the nationalists and communalists. This White Paper and this magnificent edifice of our Provincial Council—the symbol of self-government built up by stages—will soon prove to be the realisation of Lord Macaulay's noble dream that he dreamt 70 years back when he foresaw demand for Home Rule after spread of Western education. While speaking in the House of Commons he said that it would be the proudest day in English history when disunited and disorganised Indians will be united with the help of Western education and demand European institution, that is, Home Rule, that demand has now been conceded. This White Paper is proof. You may reject it, but workers of India will give it a lead and make it with some modifications the instrument for maximum good to minimum people of India.

Babu AMULYADHAN RAY: Mr. President, Sir, at the very outset I must frankly confess that I am not in a position to place the viewpoints of the scheduled castes hitherto commonly known as the depressed classes on all the important proposals of the White Paper within the time at my disposal. My hon'ble friend Khan Bahadur Maulvi Azizul Haque was telling me the other day that the White Paper is partly white, partly black and partly spotted. It may be so; but to reject or burn it will be India's greatest political blunder. There is time yet for discussion and modification. So far as the constitutional advancement of the depressed classes is concerned, they stand to-day where they had been at the time of the Poona Pact. The White Paper is in no way an improvement on Mr. Macdonald's Award or on the Poona Agreement. On the other hand, what harm was indicated in paragraph 19 of the Communal Award about the composition of second chamber in the provinces has been embodied in the White Paper by proposing to create a bi-cameral Legislature in Bengal. Bengal did not want a second chamber or a House of Luxury for recreation of the landed aristocracy and moneyed interests to be maintained at the cost of the people dying for want of bread and medicine. Did Hon'ble Mr. Prentice forget to forward to White Hall the proceedings of this

Council in connection with the creation of a House of Elders in Bengal? I find Mr. K. C. Ray Chowdhury is in favour of a second chamber. Because there are Upper Houses in other countries, that does not justify its establishment in a country where primary education cannot be enforced for financial difficulty and people are dying from malaria and cholera for insanitary condition of the land. Am I to take it that there being 10 nominated seats in the proposed Upper House, Mr. K. C. Ray Chowdhury is advocating for it? The establishment of an Upper House is bad and its provisional constitution is worse. Separate electorate has been provided by direct election for Moslems and Europeans and for those other than Moslems and Europeans. Even Mr. Thompson representing twenty thousand Europeans in Bengal will get one seat directly elected from constituencies in which only European voters will be entitled to vote and the depressed classes numbering about 500 times of the Europeans and with almost as many seats in the Lower House as the Europeans will get nil by way of reservation of seats. Out of 12 general seats directly elected 5 should be reserved for the depressed classes in the Bengal Upper House and a fair representation should be provided in the Council of State. We are yet to see this injustice remedied when the Joint Committee will report on the White Paper and His Majesty's Government will introduce a Bill. The Upper House should not be extended to 7 years and the life of both the Houses should be the same.

The proposals regarding the selection of Council of Ministers both of the Federal executive and of the provincial Governments are disappointing to the scheduled castes. In the Instrument of Instructions it should be clearly laid down that the Governor-General and the provincial Governors should use their best endeavours to select their Ministers including so far as possible members of the scheduled castes. The White Paper containing the proposal of the Public Services is far from being satisfactory and the recruitment of the future Indian Civil Service and Indian Police Service by the Secretary of State cannot be justified. On the 26th September, 1932, Hon'ble Sir Harry Haig announced in the Legislative Assembly that His Majesty's Government took note of the clauses 8 and 9 of the Poona Agreement as a definite pledge of the intention of the caste Hindus towards the depressed classes. It is disappointing and discouraging that the principle relating to the appointment of the scheduled castes mutually agreed and accepted at Poona cannot be found in the White Paper. A definite policy on the basis of the population should be laid down in the Constitution Act for the appointment of our candidates to the Public Services. Depressed classes do not agree with those who cannot find any justification for the safeguards in a constitution. These are necessary for the protection of minorities, but while admitting their necessity I submit in all politeness that the power of the Governor-General and the provincial Governors is

so large and wide that serious difficulties may follow in the smooth working of the constitution.

While sincerely acknowledging our thankfulness to that gentleman now at the head of our provincial Government for boldly fighting for Bengal's just claim of her share in jute duty and while thanking His Majesty's Government for its partial allocation I wish it to convey to the authorities at home that that will not satisfy the need of Bengal. One word about the provincial High Courts. It is a common knowledge that the High Court of to-day is not the High Court of old days. Like the Chairman of the Federal Public Service Commission a High Court Judge at the end of his term of office will be ineligible for further appointment under the Crown in India except the appointment as a Judge of the Federal Court. Raja Bahadur of Nashipur while referring to the Poona Pact has said that the result of voting signified the wish of the Council in accepting the proposal of Mr. J. L. Bannerjee. It pains me very much that the Raja Bahadur is yet to learn that mere *ex parte* wish of the caste Hindu members of the Council cannot vitiate an agreement. On the other hand, on behalf of the scheduled castes of Bengal I will request the authorities in India, the British Parliament and His Majesty's Government to take note of the fact of voting which clearly proved the determined combination of the *zamindars*, moneylenders and the caste Hindus against the depressed classes. The voting of the caste Hindus on one side and all the 7 scheduled caste representatives on the other showed the necessity of our special representation and the truth of our allegation that caste prejudices are being reflected in political matters. Generally the caste Hindus during the past 12 years could not and in future will not vote in favour of any genuine depressed class candidate and I shall repeat on the authority of the Prime Minister that the intention of the caste Hindus under the pretext of Hindu solidarity is to deprive the scheduled castes of their right to send a few representatives of their own choice to the Council. The caste Hindu *versus* depressed class voting on the motion of Mr. J. L. Bannerjee conclusively proved the fact that politically also they have conflicting interest to that of the scheduled castes and it is not at all safe to rely on their opinion where the interests of the scheduled castes are concerned. The depressed classes, although entitled to 40 seats, have accepted 30 seats as it being question of agreement.

Mr. SARAT KUMAR ROY: I am sorry to record that the landholders of Bengal have been filled with bitter disappointment, upon reviewing the policy of His Majesty's Government in framing the proposals for Indian Constitutional Reforms, just published in the White Paper. Indeed they have been greatly alarmed at it, particularly to find that their legitimate claims have been so mercilessly ignored.

Sir, it is well-known to us that Bengal is pre-eminently an agricultural country and her landholders have the greatest interest in the development of agriculture, which again is inextricably bound up with the peaceful administration of the country. Naturally, therefore, they have the greatest stake in the administration of the province. They expected that British statesmanship would recognise the facts that the Bengal landholders are the most stable element in the province; they form the majority of loyal and trusted subjects of the Crown; they contribute the highest amount of revenue to the Public Exchequer; they have, ever since the Muhammadan Rule, rendered valuable and active service to the State, in the maintenance of peace and order in the country. It is therefore superfluous to reiterate that in the forthcoming constitution they ought to have been secured a "fair share" in the administrative responsibilities of the country, commensurate with their undoubtedly great and manifold interests involved therein.

But, Sir, I regret what His Majesty's Government have decided upon in this connection, is just the reverse. Under the existing constitution, in a House of 140 members, including officials, nominated and elected members, the landholders enjoy five seats only to represent their special interests, or in other words, they enjoy about 3·5 per cent. of the total representation—or 4·4 per cent. of elected element. This itself was injustice to them.

But now, with the enlargement of franchise, the numerical strength of the legislature in Bengal is going to be nearly doubled and the representation of almost every other special interests is also going to be proportionately increased. But to our utter misfortune, the representation of Bengal landholders has been decreased. They have to remain satisfied with the same number of seats—I mean five only—out of 250, which will now mean only 2 per cent. of the total elected strength.

Sir, what has justified such an unexpected decision is beyond my comprehension. I wonder how such a course could have commended itself to British statesmen of so high an order, responsible for framing the proposals. There is no inquiry for it. The representation allotted is far from being commensurate with their importance, even as it is at present acknowledged.

And then, Sir, a comparative estimate of the representations provided for other similar special interests, also throws us into disappointment. There are six other special interests, recognised for special representation, such as, Indian Christians, Anglo-Indians, Europeans, University, Commerce and Industry and Labour. Although it can hardly be denied that landholders occupy the foremost position among them, in point of their economic, social and political importance, and particularly in view of their intimate connection with the fiscal administration of the province, the landholders have indeed fared worse than at least three of them. They have been placed almost on the same level with the

inferior interests, who can hardly claim any social, economic and political significance. Here also, I submit, the legitimate claims of Bengal landholders have been ignored, with hardly any justification. I am sorry, Sir, the policy adopted, can only be explained by attributing it to the sheer misunderstanding of the landholders' position and to the under-estimation of their civic importance by British statesmen.

We have, therefore, to inquire how and why has such miscalculation crept into their deliberations and swayed their judgment.

In the first place, I apprehend, that the connotation of the expression "landholders" has been rather erroneously understood. They might have been led to believe that the term includes only that small number of big landholders in Bengal who contribute Rs. 5,000 and over annually as land revenue. The total number of these big landholders may be small. But, Sir, do not the others who pay land revenue and hold permanent interests in the lands, occupy the same civic status as they do? Is their stake in the country not the same? And then again, what is there to exclude from the category of landholders, that vast multitude of persons who possess subordinate interests, such as *patnidars*, tenure-holders, and other rent receivers. Sir, I submit that all these people go together to constitute that great community who possess special agricultural interests and they really signify what is connoted by the expression "landholders." And what is their total numerical strength in Bengal? Administration reports say that their total numerical strength exceeds 57 lakhs; so, with the members of their family, they form nearly 40 per cent. of the total population of the province. I submit that all of them must share together the evils of the administrative changes which may come before long, through the persistent efforts of a certain section of politicians, as I shall presently explain.

From our recent experience of the proceedings of this House, I may affirm that of late groups of people here and outside have determined to create and distinguish class interests, even among those people who really constitute but one and the same community and who, all alike, depend for their prosperity, upon the development of one and the same industry in Bengal—I mean her agriculture. What motive they have in preaching such injurious dogmas and in deliberately creating conflicting class interests, when there had been none at all for centuries in the past, can be better conjectured than explained. Day by day, their activities are gaining strength. I am afraid we cannot properly foresee what turn such dangerous activities will ultimately take. The insignificant number of the representatives of the landholders here have found it very hard to combat with them, or to explain to the people at large, the evils that they foreshadow. Sir, it is not unknown that already systematic attempts have been made to interfere with the statutory arrangements, sanctioned by the highest authority in India and confirmed by the sacred

pledges of the British Parliament, to annul legislative measures, inextricably bound up with the economic conditions and judicial practices in Bengal, to quote the language of His Excellency, Sir John Anderson, the present Governor of Bengal. Sir, such attempts as these ought no longer be considered lightly. They are indeed subjects for very serious thought.

I submit, Sir, modern conception of democracy will not prove an unmixed blessing in this country; it will rather prove a curse as that will only help to spread difficulties, disaffection and discontent, where there were good-will, peace and prosperity before. And as a result, Bengal's agricultural development, so essential for her economic uplift, will be hampered.

I may recall, Sir, the relationship that so long existed between the landlords and their tenants. The landlords reclaimed waste lands by clearing jungle and by inducting fluvial action of the rivers, they excavated tanks and executed other works of irrigation; they established *hats* and bazars; they housed them when necessary, advanced timely loans to them; erected public place of worship, even fed them in times of dire famine and other calamities and so forth. Sir, I ask, will the country be benefited if such happy relationship ceases to exist, as a result of the change in the constitution? I should think, Sir, it would be far more desirable to have the old system of government that existed before the reforms.

To guard against such contingencies you must have a very strong representation of landholders possessing sober mentality in this and the Upper House and unless that is done, I am afraid very disastrous consequences will result from these factions that prevail.

I am sorry I cannot agree with the views of and hopes entertained by His Excellency the Governor of Bengal, while accepting an address of welcome presented by the B. I. Association, namely, "that the weight which our views will carry in the Councils of the province, will never be measured solely by the numerical strength of our representation." Sir, numerical strength in such representation is an essential factor in bringing about the desired results. So I submit that the interests of the entire landholding community whose vast extent I have already defined demand a far stronger representation of the landholders in the administrative responsibilities of the province, than what has been provided for in the White Paper.

It is said that the landholders being the acknowledged leaders of the masses, need not apprehend such unhappy contingencies and that the regard they command over them, will prove a sufficient safeguard for the situation. But there you have to remember the existence of the mischievous activities of those so-called friends of the tenants, who intervene, move about and make active propaganda to create difficulties

and disaffections out of motives other than public interests. The fact is, that the majority of the mass lack in intelligence to understand the real significance of their civic rights. Unless and until they acquire that knowledge and realise the existence of the real community of interests between them and their landlords, we cannot expect the desired result. Till then the landlords ought to have adequate representation.

It is said that the *zamindars* will manage to come to the Council through other constituencies as well. But they will be then bound to abide by the interests they represent even against their own.

It was hoped that this defect in the forthcoming constitution will be made up by the creation of an Upper Chamber, as has actually been provided for, in the provinces of Bengal, Bihar and United Provinces. But there also we meet with the same disappointing features.

Following the policy of communal representation, this aspect of the question has been lost sight of even there. Practically the landholders have no representation in that House as well. But I hope, there is time yet for His Majesty's Government to rectify these defects and we hope to see our expectations fulfilled before long.

With these remarks and suggestions, I would ask the House to endorse the feeling of disappointment with which myself and the community, I have the honour to represent here, have reviewed the proposals for the Indian Constitutional Reforms embodied in the White Paper.

Reverend B. A. NAG: Mr. President, Sir, I welcome the White Paper and, Sir, I would like to advise the community whom I represent here to do the same. By saying so I do not mean that the proposals in the White Paper are not capable of improvement. They are certainly capable of improvement but the suggestions for such improvement should be the committee work rather than expressed in the Council here. Those suggestions are generally coloured by communal and other interests and therefore we cannot all agree or see eye to eye with one another. For instance, as a member of a minority community, I would like to support the Upper Chamber. I am decidedly in favour of the safeguards because the communal poison has been eating into the very vitals of India for some time, which has been working still more disastrously in our midst since the Communal Award of the Prime Minister has been announced. The communal gulf is being widened day by day.

(At this stage the Council was adjourned for 15 minutes for prayer.)

(After adjournment.)

Reverend B. A. NAG: I think because of communal colourings with which we view every problem, the suggestions for improvement

should be made either through communal associations or general associations through their committees rather than voiced in the open Council here. But when I say that I welcome the White Paper I mean that, even if the Joint Committee do not see their way to accept the improvements suggested by the various communities and associations I shall still be prepared to welcome the White Paper as it is. Compromise is the essence of constitutional government. The White Paper I am sure does not represent the views of any particular Minister, be he the Prime Minister or the Secretary of State for India. It does not represent what the individual members of the Cabinet thought but what they agreed in thinking might be passed by the British Parliament—therein does the compromise consist. It is useless to ignore that fact and ask for the moon, which cannot be passed by Parliament. Therefore from this point of view I feel that the Secretary of State for India has done his very best and has presented to us the proposals in the White Paper such as may be acceptable in England. For us to oppose these proposals is simply to strengthen the hands of our enemies. Mr. Winston Churchill would not want anything better than that we should oppose the White Paper. He would be able to say on the floor of the House there—"look here, these proposals are unacceptable to the Indians and unacceptable to us, and therefore drop them". In order that the diehards in England may not get any opportunity of saying so, I think we should welcome these proposals. Then, Sir, the criticisms so far expressed have given the impression that there is a chorus of condemnation in the country of these proposals. But to me it seems to be very dangerous. A very great responsibility rests upon the leaders of the country at this time: it is a period of transition: it is for us to create a receptive atmosphere for the proposals. It is for us to see that the condemnation is not lightly expressed. This reminds me of a story which I may tell the House, of a minister of religion who was approached by an honest but very intelligent doubter. The position of the doubter was that he could not accept many of the statements in the New Testament. The minister offered him a copy and asked him to mark in blue all that he could not honestly accept: when he had finished he sent the book back to the minister. The minister then sent him another copy of the New Testament and asked him to mark in red all the passages which he could honestly accept, and after he had done that he sent the book back to the minister and the minister then invited him to compare the two copies. Now, he found to his surprise that what he had rejected in the first copy he had really accepted in the second. Sir, I am afraid such a thing will happen as regards the White Paper. The question is—how we are reading it? Are we reading it with a view to accept or reject it? As has already been said, the White Paper was really condemned before it was out. In any case it has been condemned in less than 24 hours of its publica-

tion. Sir, there is no superman in Bengal who can pretend to have studied it in such a short time; yet due to newspaper reporters, the condemnation was expressed not only in Bengal but almost all over India. Granted, as I believe, that there are many things to criticise in the White Paper, what will prevent us criticising these very points after five years when we will have some experience of the working of the constitution. We will then be able to criticise effectively and ask the British Parliament to make the necessary alterations. Sir, about five years ago India was requested to produce a constitution acceptable to India and acceptable to England. The best intellects of India gathered together to produce such a constitution and it was hoped by the Committee which produced the report that it would be acceptable to all. But it had much less acceptance in India than the White Paper, I refer to the Nehru Report. Communities after communities—Hindus, Sikhs and Moslems—all combined to condemn it. I believe Sir Samuel Hoare has certainly produced something better.

The same with regard to communal award. India was invited to settle for herself the communal question in the Round Table Conference. The greatest man in India Mr. Gandhi, failed to do so. Then the Prime Minister has made the communal award and now that it has been made we are very loud in our criticisms. I believe, Sir, we should be silent, because the Prime Minister has done what we failed to do, and it is for us to accept what he has done. But what are we doing? We have developed in us a spirit of destructive criticism. We rejoiced to boycott the Simon Commission which some of us I believe now regret. Then again in the partition days we rejoiced to agitate against the partition of Bengal which many people now regret and I shall not wonder that the same regret will be expressed by us for condemning the White Paper. But my greatest reason for supporting the White Paper is this. As I have already suggested, let us give no handle to our enemies in England to say that the White Paper is not wanted in India; but in India also we have to-day a great work before us. The cult of terrorism feeds itself upon dissatisfaction and disaffection, imaginary or real, and if they hear this chorus of condemnation, they will say that even the last attempt of Parliament has failed. Therefore I say I would rather have a most defective constitution than encourage this movement of terrorism. I would like to put a brake upon terrorism. I would like to contribute to the creation of an atmosphere of peace and contentment in the country so that terrorism might die. I therefore welcome the White Paper, though I do say that it is important that our friendly criticisms expressed in India on behalf of the different communities should be sent for the use of the Joint Select Committee as well as for the consideration of the Prime Minister.

One point more and I have done and that is this: everybody has acknowledged that the White Paper does not go beyond the Round Table Conference agreements and everybody acknowledges, except one member

in the Legislative Assembly, that the White Paper has really accepted all the agreed understandings of the Round Table Conference. What more Sir Samuel Hoare could do? One or two important members such as our friends Sir Tej Bahadur Sapru and Mr. Jayakar have complained that their suggestions made to the Secretary of State have not been accepted except in two cases. I am very glad, Sir, that the Secretary of State has accepted two of their suggestions. But they do not know what other suggestions have been made to the Secretary of State by other bodies. They do not know what suggestions have been made by the Moslem leaders, by the European leaders or by the minority communities. But the Secretary of State had no doubt to keep a balance between all these different interests and I am glad that he has succeeded inasmuch as the White Paper has not gone against the agreed understandings in the Round Table Conference. I believe, Sir, that we have nothing to complain against the White Paper and we ought to accept it.

Mr. ANANDA MOHAN PODDAR: Sir, the history of constitution-making in India has all along been a history of broken pledges and the proposals in the White Paper are no exception. It has been repeatedly said that the goal of British Rule in India has been to make India a willing partner in the British Commonwealth of Nations. Other partners of the British Commonwealth Canada, New Zealand and Australia are enjoying Dominion Status and it was expected that our British masters this time, will rise equal to the occasion and raise the status of India on a level equal to other members of the British Commonwealth by granting her Dominion Status. The Prime Minister himself raised the hope in the mind of the Indian people by declaring that another dominion was going to be added to the British Commonwealth of Nations not in the course of a few years but in a few months. Lord Willingdon also confirmed those hopes by saying that before he left India he expected to be the constitutional Governor-General of this country as he was in Canada. But the proposals in the White Paper have thoroughly disillusioned Indians of those high hopes. In it there is no reference to Dominion Status of India even as a remote ideal. The coming Reforms will be embodied in a Constitution Act and not in a Dominion Status Act. But what is there in a name? If real power be transferred to the people—there is nothing to bother about the name. Let us therefore see how far the aspirations of the people of India have been satisfied. The aspirations of India are not unknown—they have been voiced by the leaders of public opinion, by the Indian Press and by Mahatma Gandhi at the Second Round Table Conference. We find to-day that the Indian public opinion has with one voice condemned the scheme proposed in the White Paper as unsatisfactory and disappointing.

Sir, the question naturally arises in the mind—does the White Paper hold out any hope of a change in the bureaucratic temper and spirit of the present constitution? We find in the White Paper certain powers

are proposed to be given to the Governor-General and the Governors and they are such powers that neither His Majesty nor any of his representatives in the Dominions, possesses. They are given the direct power of law-making. There is no parallel to this, in the history of democratic constitutions. The Governors under the present constitutions do not possess administrative or legislative powers so extensive. In paragraph 42 we find "the intention is that the special powers of the Governor-General properly so described, namely, his power to obtain legislation and supply without the assent of the legislature will flow from the responsibilities specially so imposed upon him and be exercisable only for the purpose of enabling those responsibilities to be implemented. The responsibilities to be imposed upon the Governor-General by the constitution will be of two kinds—an exclusive responsibility for the administration of the Reserved Departments and a special responsibility for certain defined purposes outside the range of the Reserved Departments.

On the administration of the Reserved Departments, Ministers will have no constitutional right to tender advice; nor will they have any such right to tender advice on the exercise of any powers conferred upon the Governor-General for use in his discretion. On all other matters, Ministers will be constitutionally entitled to tender advice, and unless that advice is felt by the Governor-General to be in conflict with one of his special responsibilities he will be guided by it. If in discharge of his responsibility for a Reserved Department or of a special responsibility, the Governor-General decides that a legislative measure or of a vote of supply to which the legislature has not assented is essential, his special powers will enable him to secure the enactment of the measure or the provision of the supply in question, but Ministers will not have any constitutional responsibility for his decision."

Defence, external affairs and ecclesiastical administration are the Reserved subjects to be entrusted to the Governor-General personally and these matters he will control in responsibility to His Majesty's Government and Parliament.

As for "Special responsibility" the list also is formidable—they are thus enumerated in paragraph 25 of the White Paper—

(*i*) The prevention of grave menace to peace and tranquillity in India or any part thereof.

(*ii*) The safeguarding of the financial stability and credit of the federation.

(*iii*) The safeguarding of the legitimate interests of minorities.

(*iv*) The securing to the members of the public services of any rights provided for them by the constitution and the safeguarding of their legitimate interests.

(*v*) The protection of the rights of any Indian State.

(*vi*) The prevention of commercial discrimination.

(*vii*) Any matter which affects the administration of the Reserved Departments.

The Governor-General and the Governors will have the powers to take action notwithstanding an adverse vote in the legislature.

Under the present constitution, laws for all the departments, reserved and transferred, are made by the legislatures, the Governor having power to veto, the power of stopping the progress of a Bill and the power of certifying a Bill and making it law for only one purpose, namely, the prevention of any grave menace to law and order. But under the proposed Constitution Act, though law and order in the provinces are transferred to Ministers responsible to the legislature—the Governor will have a special responsibility in respect not only to law and order but in all those important matters enumerated above, in which he has at present no power. Thus the special powers and responsibilities of the Governor-General and the Governors are so extensive and discretionary as to make any system of responsible Government in the transferred sphere extremely unworkable on constitutional lines.

Sir, Federation, Provincial Autonomy and the safeguards, these three have been described as the pivots of the new constitution. Nobody can say with any amount of certainty when Federation is likely to be inaugurated. There are three conditions precedent to the establishment of Federation. These are—

The Indian States with half the Indian population of the total and entitled to at least 50 per cent. of the seats reserved for the States in the Upper Chamber of the Federal Legislature should have joined the Federation. That the princes are at present showing no ardour for joining the Indian Federation, was much in evidence at their recent Chamber meeting presided over by the Viceroy. The Chancellor of the Princes Chamber His Highness the Jamshaheb of Nownagar whose untimely death is announced this morning even scented in the proposed federation the dangerous possibilities of obliteration of kingship by the inroads of democracy. The second condition precedent to Federation is the establishment of the Reserve Bank, which again is dependent on four conditions, namely—

(*i*) that the Indian Budgetary position is assured,

(*ii*) that the existing short-time debt both in London and in India is substantially reduced,

(*iii*) that adequate reserves are accumulated and

(*iv*) that India's normal export surplus is restored.

As regards the first—I am afraid the Indian Budgetary position will always remain in jeopardy so long as the expenditure is maintained at the present high level and so long no step is taken to raise the prices of commodities. The other three conditions cannot be fulfilled as long as the rupee is kept at its unnatural level and gold is allowed freely to be exported. If India is to have her normal export surplus restored, she must be allowed the total prohibition of her gold export and the delinking of the rupee. The third condition precedent to the inauguration of Federation is the presentation of a joint address to the Crown by both Houses of Parliament. The effect of this provision will be that even if the Reserve Bank is established and even if the requisite number of the Indian States come forward to federate, central responsibility will remain far off from the people of India as at present. Insistence on this fresh Parliamentary sanction makes the entire scheme of federation nothing better than a mere uncertain contingency in the future and India has to perpetually depend upon the passing whims of the British Parliament.

As regards the safeguards formulated in the White Paper they are said to have been framed in the interests of both India and the United Kingdom. But Lord Irwin in his famous agreement with Mahatma Gandhi laid down that the interests of India would be the primary consideration of their authors. The safeguards which are now sought to be introduced in the Constitution Act are more in the interest of British than the Indian. They are highly irritating and annoying and are based on mistrust alike of the character and the capacity of the people of India and are the outcome of the fear that a liberalised and progressive system might lead to the elimination of the vested British interests.

Then we come to the Provincial Autonomy. It has been provided in the White Paper that the Governor will be enjoined to select his Ministers from important minority communities. The Prime Minister's Communal Award will make party Government almost impossible. The Ministers being elected on party tickets will owe allegiance to their respective communal organisations. Their responsibility to the legislature will be only in name, for they cannot act as a single political party. The White Paper provides that if the advice which the Governor will receive from his Ministers is in conflict with the instructions received by him from the Governor-General, the latter is to prevail over the former. Thus it is the Governors and not the Ministers who it is proposed would practically control the administration of most of the important departments such as law and order and finance, etc., and also would influence the policy and activities of the Provincial Ministers.

Moreover, the legislatures being composed of several warring groups—such as the minorities, the communalists, the special interests—and the Ministers owing no allegiance to one political party commanding majority in the House, the only bond of cohesion of such Ministers will be their subservience to the Governor who appoints them.

Sir, above all there is the question of finance. We find that about 45 per cent. of India's central revenue or 35 per cent. of her total revenue is required for the Army. On the top of this there will be the amount required for pensions, debt and services, etc. At the present moment about 80 per cent. of the revenue is required for all these charges—in other words we are mortgaged up to 80 per cent. So the future Finance Minister can handle only 20 per cent. of the central revenue—that too subject to restrictions of very embarrassing, if not of a humiliating character. In the face of this there can be very little expectation of generous supply of funds for beneficient activities of the Government.

As regards Bengal—well, Bengal's case is going by default. In a house of 250 there will be 80 Hindus of which 30 will be reserved for the depressed classes. It is not unlikely that a few more seats will go to them from the general constituency—so that the caste Hindus who form the intelligentsia of Bengal and who have fought so much for the country in the past will get only 35 to 40 seats. It is no doubt that for the first time it has been recognised that Bengal is suffering from inequitable financial treatment—but full justice is not yet being done to her. As at present, the jute duty will continue to be a central revenue with this redeeming feature that 50 per cent. of the net realisation under this will be refunded to Bengal. What it will therefore amount to, in practical working, is that Bengal will be deprived of half of the proceeds of jute tax in perpetuity. In equity, fairness and justice the proceeds of this tax should be her provincial assets and if the Federal Government is in need of any financial assistance temporarily, it is Bengal which should be asked to make a contribution to the Central Government to a specified and limited extent.

Sir, as a representative of the Indian trade and commerce interest, I deem it my duty to say that the claims of Indian commercial interests in Bengal for increased representation have gone unheeded. Of the 19 commerce, industry, mining and planting seats 14 are proposed to be given to the Europeans and 5 to the Indians. The proportion of seats allocated to the two communities does not compare favourably with the proportion of trade carried on by them. The White Paper does not contain anything that was not anticipated at the conclusion of the Third Round Table Conference. But the grouping of trade, commerce and industry seats is somewhat new. Eleven seats have been allotted to this head for the Federal Assembly. Three of them have been

definitely made non-provincial and assigned to (1) Associated Chamber of Commerce, (2) Federal Chamber of Commerce and (3) Northern India commercial bodies. Of the remaining 8 seats 2 have been assigned to Madras, 3 to Bombay and 3 to Bengal. In Bengal, the three seats seem to be allotted thus (*i*) Bengal National Chamber of Commerce, the Bengal Mahajan Sabha and the Marwari Association—one seat. (*ii*) Bengal Chamber of Commerce one seat and (*iv*) The Jute Mills Constituency—one seat. Though it is some satisfaction to see that the inadvertent omission of the Lothian Committee Report has been rectified so far as the Indian commerce seat is concerned, yet the language of Appendix V is not yet clear as to whether the three Indian commercial and trading bodies are to constitute one constituency or alternative constituencies for each election. The language of the introductory note (paragraph 7) of Appendices IV and V adds further to the uncertainty of the position so far as these seats are concerned. The delimitation referred to there is confined to existing electorates whereas the Bengal Committee has already travelled beyond that scope, although the Lothian Committee Report was against such enlargement. The difference in the proportion of Indian and European seats as between the Federal Assembly and the Provincial Council and in the Federal Assembly itself is another point requiring further improvement.

Sir, the proposals contained in the White Paper are not considered satisfactory by any section of Indian public opinion. It is sad to think that after six long years' hard labour the best brains of Britain could not produce a better constitution. It is not only a complete surrender to the diehards of England but in a way also a victory for the extremists of India who are out to create discontent among the people.

Sir, rightly or wrongly a large section of the people are tired of the existing conditions. They want a greater share in the administration of the land—a transfer of administrative power to the children of the soil. This popular feeling is at the root of all political unrest—the civil disobedience movement and the terrorist activities are more or less outcome of this natural desire for greater freedom.

Sir, we the peace-loving section of the people—the merchants—are also tired of this political condition, this unrest in the country. It has upset our normal life, our peace of mind. So when there is any proposal for constitutional reforms—the supreme test we like to apply is that whether the proposed changes will bring peace, prosperity and contentment in the land. True statesmanship lies in determining how this vast mass of people who are at the bottom of the unrest can be satisfied. I have offered criticism to the White Paper not in a mood of despair and disappointment. I believe that there is still room for improvement and appeal to the authorities concerned to take them in similar light and modify the proposals in such a way as to bring in peace, prosperity and contentment in the land.

Maulvi ABDUL HAMID SHAH addressed the Council in Bengali.

The following is a translation of his speech:—

Mr. President, there has been enough of discussion on the White Paper. The reason why we have taken it up for further discussion is that unless the members of the Bengal Legislative Council express their own views on it, it may appear that we have no strong case against it. My own conviction is that nowhere in the White Paper is to be found any fulfilment of the messages of hope we have had, first in the Queen's Proclamation and then successively in the Montagu-Chelmsford Scheme, Gandhi-Irwin Pact, and the speeches of the British Premier at the three Round Table Conferences. It is unfortunate that the White Paper does not contain any definite indication of what Indians would receive. It appears that all that the Indian public would get, would be education in the matter of exercising their votes, and that too, if the franchise qualifications laid down in the White Paper are finally accepted. Hence, we are afraid the White Paper might in the long run appear to be literally white so far as Indians are concerned. It has been proposed to grant a few rights in the name of Provincial Autonomy, but they have been hedged in with too many safeguards to make it possible for people to exercise them. We are at a loss to make out the meaning of building up a Federation with the help of the Indian princes whose rights and privileges to dispose of the internal affairs of their respective States can on no account be questioned by any federating unit. While the princes shall have every right as members of the Federation to deal with every item of business concerning British India, the people of British India are deprived of any right whatever to interfere with the internal affairs of the Indian States. We are unable to grasp the logic of such a strange proposal. Then, as regards the proposed formation of the Lower House in Bengal, we find that a great injustice has been done to the peasants and the masses who constitute nearly 85 per cent. of the population of Bengal. The seats within the Council have first been distributed on a religious and communal basis and then commercial interests too have been given some representation, but finally steps have been taken to allot a number of seats to the landholders at the expense of the general mass of people. If landholders are given special representation, why should they be allowed at the same time, to offer themselves as candidates for election from the general constituencies? I now come to the proposed Second Chamber in the White Paper. The present Legislative Council of Bengal consist of 140 members. Even with this strength of the Council we are so hard pressed for finances that we have to contract heavy loans every year. If, under the reformed constitution, the numerical strength of the members is raised to 250, it will be extremely difficult

for the Government of Bengal to meet their expenditure unless the entire amount of duty on jute is made over to Bengal. Besides, I am absolutely at a loss to understand what useful purpose it would serve, so far as the administration of the province is concerned, to have an Upper House consisting of 65 members. Of course, Government may say that the decisions of the Upper House representing the cream of the intelligentsia will be more valuable than those of the Lower House. To this our reply is that out of the 65 members of the Upper House 27 will be selected from the Lower House and thus the deliberations and decisions of the Upper House will not be altogether free from the influence of the Lower House. Plainly speaking, the Upper House has been solely designed for the purpose of finding room for the ten members to be nominated by Government. I, therefore, draw the attention of the Joint Parliamentary Committee to the fact as to how far it would be reasonable to thrust on Bengal which is in a critical financial condition an Upper House involving such a huge expenditure. Next we come to the powers of the Ministers. The extent of genuine political powers granted to the people will be judged by the powers that are made over to the responsible Ministers of the country. But in this respect the White Paper sadly disappoints us, because, the Indian Civil Service, the Indian Police Service, and all matters concerning the appointment, transfer, dismissal and salaries, etc., of the members of these services will still continue to be the subjects reserved for the Secretary of State for India and the Ministers will have no hand in the matter. The Ministers, therefore, will have no power over those members in Government service who are supposed to be under them. Lastly, we come to the financial arrangements with reference to Bengal. Although it has been admitted in the White Paper that Bengal has for long been subjected to injustice in financial matters, the steps that have been proposed to be taken by way of redress are far from satisfactory. Bengal certainly cannot rest content merely with the proposal for making over to her one half of the total amount of the duty on jute. Because, jute is an agricultural produce special to Bengal, the Government of Bengal have the right to have the entire amount of duty on jute at their disposal. Next, the provisions with regard to income-tax leave much to be desired. It has not been shown in the White Paper as to what portion of the total amount of income-tax will be made over to the provinces, as also, what the basis of such assignment would be. In these circumstances, I request the Joint Parliamentary Committee to make the allotment in proportion to the revenues of the provinces. Finally, I appeal to the Joint Parliamentary Committee to do justice to Bengal in financial settlements. Financial contributions are made to other provinces out of the revenue of Bengal, much to their own benefit, while Bengal is rendered poorer by this and has to contract loans to carry on as a deficit province. The interests payable on these loans further impair the condition of Bengal. I therefore,

appeal to the Joint Parliamentary Committee to make such provisions as would relieve Bengal of the heavy burden of her debt to the India Government.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Tuesday, the 4th April, 1933, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 4th April, 1933, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, two Hon'ble Ministers, and 86 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Chittagong College.

*138. **Rai Bahadur KAMINI KUMAR DAS:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the students of the Chittagong College 1st year I.Sc. class have been fined Rs. 3 each for not giving out the names of persons who wrote undesirable writings on the wall of the College buildings, where the first year class meets at present?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether proper inquiry was made by the Principal, College staffs and members of the Governing Body to find out the real culprits?

(*c*) Is the Hon'ble Minister aware that the aforesaid authorities concerned did not make proper attempts to find out the writers by comparing the writings on the wall with the writings of the students of the class, taken in the presence of a responsible member of the College educational staff, or any other responsible gentlemen?

(*d*) Is the Hon'ble Minister aware that no photograph of the writings on the wall was taken and sent to the handwriting experts with the handwritings of the students as aforesaid, for finding out the identity of the handwritings, if any?

(*e*) Is the Hon'ble Minister aware that the aforesaid writings on the wall were not compared by any of the aforesaid authorities or any

other experienced persons with the writings of the students taken in their presence?

(*f*) Is the Hon'ble Minister aware that the Principal and the Governing Body have declared that the College will be closed if the culprits be not detected in time and if there is repetition of the same occurrence?

(*g*) Are the Government considering the desirability of directing the Governing Body of the College and the Principal not to take any such drastic steps?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Yes. The students of one section of the class were fined.

(*b*) It was only after enquiries had failed to elicit the names of the culprits that notice was given of the consequences that would follow upon a repetition of the offence. When the offence was repeated in circumstances which left no doubt as to the group of students concerned, the Principal still gave a week's notice before imposing the fine upon all members of the group involved.

(*c*), (*d*) and (*e*) The methods indicated were not adopted.

(*f*) They have given notice that, if there is any repetition of the offence, they will make a recommendation to Government that the College should be closed.

(*g*) No.

Rai Bahadur KAMINI KUMAR DAS: What were the reasons of not adopting the methods indicated in questions (*c*), (*d*) and (*e*)?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: These methods should not be adopted in educational institutions.

Maulvi SYED MAJID BAKSH: What was the nature of evidence that left no doubt as to the group of students?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: As far as I know the marks were not there when a certain class went in and the marks appeared when another class went in.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Minister be pleased to state whether such serious action has been taken in any other schools in Bengal at any time?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I believe action similar to this was taken by the Eastern Bengal Government.

Babu JITENDRALAL BANNERJEE: With reference to (*c*) how did this unsatisfactory state of discipline manifest itself? What was the outward manifestation?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The discipline of the school including the method of keeping accounts and the proceedings of the managing committee were open to question. Moreover, books not approved by the department were in use in that school. The school property did not vest in the managing committee but the Secretary seemed to be all in all. Besides these, the confidential reports about the students of the school were very unsatisfactory.

Babu JITENDRALAL BANNERJEE: My question was about the internal discipline of the school. What was the outward manifestation of indiscipline?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I am afraid I cannot say anything more other than what I have already said.

Hindu School of the Midnapore town.

*139. **Mr. R. MAITI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the District Magistrate of Midnapore, by a letter written during the latter part of January, 1933, requested the Secretary of the Hindu School in the town of Midnapore to inform the guardians of the boys that those who have passed from the said school in the years 1930 and 1931 will not be given any Government service?

(*b*) Is it a fact that by a notification recently published in the *Calcutta Gazette*, the right of awarding scholarships has been withdrawn from the said school?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*d*) Will the Hon'ble Minister be pleased to state whether at any time the authorities of the school were consulted in the matter?

(*e*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the present Head Master of the school is the retired Head Master of the Government-managed Collegiate School of the Midnapore town;

(*ii*) that the Managing Committee of the said school consist of several respectable and loyal citizens of the town;

(*iii*) that the results of the said school have been systematically better for the last 4 or 5 years since the appointment of the present Head Master, as compared with those of the other schools of the same standard in the same town?

(*f*) If the answer to (*e*) is in the affirmative, are the Government considering the desirability of removing the bans imposed on the said school?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Government have no information as to what correspondence passed between the District Magistrate and the Secretary of the school, but the Magistrate was requested to convey to all parents and guardians at the school that Government had decided that they would not appoint to Government service anybody who was a pupil of the school and above the age of 14 during 1931 and 1932.

(*b*) Yes, Government scholarships are no longer tenable at this school.

(*c*) The very unsatisfactory state of discipline.

(*d*) The school authorities were not consulted before the above action was taken.

(*e*) (*i*) The present Head Master served as Head Master of the Midnapore Collegiate School which was not a Government-managed institution.

(*ii*) This may be so.

(*iii*) No.

(*f*) Government will be prepared to remove the bans, when they are satisfied that such a course is justified by an improvement in the discipline and tone of the school.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister ... pleased to state how he proposes to enforce the action mentioned in answer (*a*)?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The action actually will be enforced a number of years hence.

Mr. NARENDRA KUMAR BASU: Does the Hon'ble Minister mean that a list of students between 1931 and 1932 who were above the age of 14 years has been circulated to all heads of departments of Government?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not think we have gone to that length.

Mr. NARENDRA KUMAR BASU: Does the Hon'ble Minister mean that when a man applies for Government service several years hence, he will have to state specifically that he was not a student of this school between 1931-32, and was not above the age of 14 years at that time?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: If he is called upon to make that statement at the time and if he states that and if it comes to the knowledge of Government, then this will apply.

Mr. NARENDRA KUMAR BASU: Does the Hon'ble Minister think that it will be possible for Government in any case when an application for appointment is received to ask whether he was a student of this particular school in those years and that he was above the age of 14 at that time?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: As a rule students when applying for service, mention the educational institutions in which they were educated. But I do not think Government want to make any special rules in connection with this.

Mr. NARENDRA KUMAR BASU: Does not the Hon'ble Minister think that a rule of this description violates common sense and can only come from the Education Department?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No.

Babu JITENDRALAL BANNERJEE: Does not the Hon'ble Minister think that it is preposterous that a man should be punished 10 years hence for an offence which he may not have committed?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: We think that students who have been in that school have conducted themselves in such a way as to be unfit for Government service unless it can be shown that at that time they have materially changed.

Mr. SHANTI SHEKHARESWAR RAY: Was any warning given to the authorities of this school in 1931-32?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No.

Dr. NARESH CHANDRA SEN GUPTA: Do I understand the Hon'ble Minister to say that the warnings mentioned in the answer were issued to the guardians only and that no warning whatever was given to the school that a certain action would be taken against them?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The hon'ble member has understood me correctly.

Rai Sahib SARAT CHANDRA BAL: Will the Hon'ble Minister be pleased to state the total number of students in that school in 1931-32?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Mr. SHANTI SHEKHARESWAR RAY: Was the decision taken by Government in the Ministry of Education or by Government in the Political Department?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I am afraid I cannot disclose.

Dr. NARESH CHANDRA SEN GUPTA: With regard to the confidential report, will the Hon'ble Minister be pleased to state the proportionate number of students against whom there were confidential reports to the total number of students in the school?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The number was fairly numerous compared to any other institutions. We considered that this institution was particularly bad.

Dr. NARESH CHANDRA SEN GUPTA: Was it enough to justify the decision taken?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Mr. SHANTI SHEKHARESWAR RAY: Was the decision taken by Government in the Ministry of Education?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It was the decision of the Local Government.

Mr. R. MAITI: Is it not a fact that the District Magistrate of Midnapore is the permanent President of the Collegiate School?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice. I am not sure.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state whether the Government have supplied to the managing committee of the school with the criterion of the improvement of the discipline and tone of the school which will remove the ban?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: We have certainly given them indication on which it may be possible for them to improve the school.

Old and new schemes junior and senior madrasahs.

***140. Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) how many junior and senior madrasahs (both old and new schemes) are there in Bengal at present and where are they located;

(*ii*) how many old scheme junior and senior madrasahs get Government or district board grants-in-aid at present and what are their names, with locations;

(*iii*) whether the Hon'ble Minister is aware that there is an old scheme junior madrasah at Begumbari in Pirganja police-station in the district of Dinajpur, and that the said madrasah was refused a grant-in-aid by the district board of Dinajpur on the ground that the District Inspector of Schools did not recommend the grant?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the grounds for the District Inspector's refusal to recommend a grant?

(*c*) Are there any rules against the allowance of such grants-in-aid to old scheme madrasahs? If so, will he be pleased to state them?

(*d*) Will the Hon'ble Minister be pleased to state how many Sanskrit *tols* are there in the province and how many of them receive Government grants-in-aid and district board aid, and their names and respective locations?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*), (*ii*) and (*d*) Lists containing the requisite information for the year 1931 are placed on the Library table.

(*iii*) Yes.

(*b*) Because the madrasah is not recognised by the department.

(*c*) No, but in the course of a resolution issued by Government on July 31st, 1914, it was stated that "while not debarring from Government aid such institutions as adhere to the orthodox course, the Governor in Council will in future give preference to those that adopt the new course and entertain a staff on the scale prescribed."

Special motion under section 78A (White Paper).

Mr. PRESIDENT: We now go back to the discussion of the White Paper. Maulvi Abdul Hakim was in possession of the House.

(Maulvi Abdul Hakim then read out the remaining portion of his speech* in Bengali.)

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I consider that a heavy responsibility lies with the members of this House in expressing their opinions on the proposals contained in the White Paper. If the whole thing had come in the form of a resolution or a recommendation in that case the wording and the sentiments contained in the resolution or recommendation for the matter of that, would have been taken note of and would have mattered and not the speeches or individual opinions of members of this House. It is in view of this fact that I think we ought to remember in expressing our individual views that we are also representing the constituencies and the public opinion of Bengal. We should not be guilty of misguiding the Joint Parliamentary Committee by passing as the opinion of Bengal our own individual opinions which may be either in favour of the proposals or against them. I raise this note of warning in view of certain utterances which were made yesterday on the floor of this House. I am alive to the responsibility of whatever suggestions and opinions I may have to pass, and I shall try to keep before my mind's eye the way these proposals have been generally received. Now, Sir, the real question that appears to me—the real test question—is whether these proposals really conform to the recent declarations made by the highest persons in authority. Sir, like some of the other members of the House, I shall not go back to the year 1905 or the year 1919. Much water has flown down the Ganges since either of those years. There has been a tremendous change in the public opinion of the country since then, and to ignore that opinion and to go decades or centuries back in order to find out the policy underlying the present action of the Government, I think, would be really taking a mistaken stand when judging the reform proposals. These reform proposals, like all other reform proposals, are really meant to meet public demands and to satisfy public aspirations. Otherwise, there would be no necessity or justification for introducing new reforms on the part of any Government. As Mr. Sarat Kumar Roy said yesterday, under the Lieutenant-Governors, Bengal was probably better than she is now economically and also in certain other respects. But now new ideas have taken hold of the people of this country; new aspirations are stirring the depths of their hearts; and the question is whether contentment and peace is to be restored in the country. If that is to be

*The translation of the whole speech will be found in the Proceedings of the 3rd April.

done, what is the best method of doing it? That is the test that I would like to apply to these reform proposals. I shall not call this paper as absolutely white or absolutely black. It cannot be either. If it is white, it is because of the blending of all the colours of the various shades of opinions, which the authors have tried to reconcile, irreconcilable as they are. To say that it is absolutely black is also to ignore the position because I really believe these proposals in certain respects to be an improvement on our present position. But to judge the whole thing by applying the real test, I must ask the House to remember the words of the Premier uttered on the 19th January, 1930, after the plenary session of the first Round Table Conference. It is the most recent utterance and supplies the most recent test. In that statement, the Premier said, "by our labours together, India will come to possess the only thing which she now lacks, the status of a dominion; what she now wants is to take the responsibility, the cares, the burden and the difficulties of responsible self-government." Therefore, this is the test which I think should be applied in judging whether the present proposals really lead up to that goal which was presented so eloquently in the Premier's speech. Is it Dominion Status that we have got by these White Paper proposals or does it approximate to that? I shall briefly touch upon the two aspects of the whole proposals, the two parts of the structure which is proposed to be built up. Like the man in the street, I am not concerned with a minute examination of all the details, but I shall confine myself to the study of the foundation and the top of the structure of government as is promised to the province of Bengal. I do not want to discuss what is going to happen at the Centre. That has been left in the hands of abler and experienced politicians. My primary concern is Bengal, and I shall try to say a few words about the constitution promised to Bengal. Looking at the foundation, that is to say, the position upon which the whole structure is going to be built—I say that it is a mosaic of so many colours—fine and beautiful to look at, but it is unsteady and unreliable as a foundation either for Dominion Status or for responsible self-government. There is no analogy anywhere in the world where responsible self-government is understood in the sense in which we are now asked to understand it and which is so different from that in which we have been able to understand it from the time of our boyhood when we used to read English history and the history of the constitutional development of England with admiration and with interest. If we are to apply that test, I may say the whole thing is a sham and a travesty of self-government. Once you allow a foundation like this to be built you can no more talk of responsible government being built on that foundation at any time. In this House there will be as many as 5 groups each representing its particular communal or racial constituency. We understand responsible self-government as it obtains

in England to be that candidates have to go to the country with certain particular issues relating to public questions, and it is on those issues that elections are fought. The majority thus elected is allowed to form the Ministry, and the Ministry so formed practically carries in its pocket the mandate of the whole people, and not of any particular sect or faith or creed. If they fail to carry out this mandate faithfully the minority in the opposition grows into a majority and they take up the responsibility of government. That is responsible self-government as we have always understood it. And it is this system of self-government based on the self-expression of the people of England which is the cause of England's prosperity and contentment, and it is for this complete freedom of self-expression that England is tranquil in the midst of strifes and turmoils which is tearing the world asunder. We are earnestly striving to imitate the English democratic constitution. May I put the question that if that is the aspiration of us all, will that be realised, will that be satisfied by the constitution that has been proposed? If that is not realised, I say the case fails. If we cannot have the thing which was promised by the Premier—Dominion Status or responsible self-government for the matter of that in the near future, then there is no cause to go further into the merits of each and every proposal, because nothing else will satisfy the people of Bengal save and except the great luminous goal. I am not one of those, Sir, who think that we must have full fledged Dominion Status to-morrow or the day after, but I am of those who think that the foundation must be well and truly laid now. Certain members have said that the proposed form of the constitution is of our own seeking, and that it cannot be otherwise. The Premier is not to blame, the Secretary of State is not to blame because we stand divided. This is a very serious question and a very pertinent question too. But, Sir, there is a very simple answer for that, and the answer is that it is not a constitution evolved by the people of this country, but it is a constitution imposed on us from outside. As it has been imposed from without it can stand a little defiance of the opinions of each and every section of the people. The White Paper proposals are there, they are also to be forced on us whether we accept them or not. The authorities in England have practically made up their minds that that is the constitution which will be given to India. Could not the British Government come forward with equal boldness and say "we have been in India for the last 150 years, it is a shame and disgrace to us that we have not given you a self-governing constitution and that you must have the true type of self-government as it obtains in England, otherwise it will be a blot and a disgrace on our rule in India. Therefore you shall have it, and have it in the form in which democracy has succeeded in England." If they had said so, and if they had declared for a constitution based on joint electorate for the entire people with room for automatic expansion, I

say that there would have been no amount of force which could have retarded and thwarted the object. Here is a chance of a lifetime presented before the British Government to justify their existence here, and their connection with India for the last 150 years, by laying to-day the foundation of future Dominion Status well and truly. Miss this chance, and you miss harmony and goodwill for ever. Therefore, Sir, I was going——

(Here the member reached his time-limit, but was allowed by the President to proceed for a couple of minutes.)

Now coming to the top, the chief executive and his powers, I shall deal with two only of the aspects of the executive power and confine my suggestions as well as my observations to them. First of all let me take up the special powers proposals against commercial discrimination. I think, Sir, Bengal is a province which is very backward in the matter of industrial and commercial development. Unless the commerce and industry of Bengal is specially helped and aided there is no chance of economic regeneration for Bengal where European commercial interests are predominant to an extent which does not obtain in any other province. In other provinces like Bombay, Indian industry and commerce is on a more stable footing. If therefore the future government of Bengal be not in a position to make any discrimination whatsoever in the commercial and industrial field in favour of her Nationals I think Bengal will never be able to stand on her own legs in economic development. Even under the present constitution it is allowable to grant bounties to Indian commerce, for instance, the Tatas are enjoying such bounty and the Indian textile industries are also being protected by tariffs. If all these powers are taken away under the future constitution it will be a retrograde step and as a matter of fact Bengal will have no chance of developing her industry and commerce if the proposals in the White Paper are allowed to stand. I hope therefore the Joint Parliamentary Committee will seriously take this aspect of the matter into consideration and try to see if it is not too late to mend matters and give Bengal a chance of developing herself economically and financially.

As regards one other point, viz., the special legislative powers of the Governor, I submit that legislation by the Governor himself by messages which are to be called the Governor's Acts is very ill-conceived from the point of view of the Governor himself as well as from the point of view of the people. It will weaken his constitutional position very much making it an unenviable one. I think the position of the Governor ought to approximate to that of the Crown and ought to be such as to command the universal respect and homage of all the people living within his jurisdiction. If he is allowed to incur all the odium by exercising a special responsibility even in legislation, though it be for the sake of saving his Ministers, I

submit the great bond of unity and harmony between conflicting interests and diverse elements which he is to personify will disappear, and this will not make either for the dignity or usefulness of the office. So on no account should the Governor be invested with these special powers of legislation.

Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, historically the White Paper is to mark another long step forward from the Montagu-Chelmsford Reforms in the progress of British India towards the goal of self-government or Dominion Status. How far are the constitutional proposals of His Majesty's Government likely to foster this ideal? We have to consider the scheme as a whole and consider its likely results on the future political development of India in general and Bengal in particular.

Taking our province first we note that the communal award as modified by the Poona Pact is the starting point of our new constitution. The extremely controversial issues raised by these two political documents have been thoroughly discussed by this Council and I do not like to dilate on their disastrous effects for the present.

Sir, the White Paper provides a second chamber for Bengal. A second chamber for Bengal can only justify itself if it is differently constituted than the Lower House and if it is made to crystallise the views of a body of men of capacity and experience and of those who have considerable stake in the country. It is on these grounds that a considerable body of opinion in this House supported the case for an upper chamber. A non-communal Upper House would have been a valuable contribution to the democratic constitution of the province. But that is not to be. The scheme contained in the White Paper is a mere duplication of a communally constituted Lower House and works out the usual proportions between the different communities. May we hope that the Joint Select Committee will realise the error in time and that they will provide at least one sphere in provincial politics where things could be discussed with anything other than communal bias?

In the matter of representation to the proposed Federal Assembly Bengal with her 50 million people has been allowed 37 seats of which the Hindus will send 13 including the scheduled caste whereas the Moslems would send 17. This is the usual proportion of the communal award. What I wish to emphasise, Sir, is that the landlords have been allowed only one seat from Bengal and altogether 7 seats in a House of 250. At the present moment the landlords send 7 members to the Legislative Assembly composed of 145 members. I cannot understand what circumstances led the Government to lower the percentage from say 5 per cent. to 3 per cent. specially when the need of such representation has become greater.

The constitutional proposals make a good attempt to introduce full provincial autonomy and this must be welcomed, inspite of the communal award. But much depends on the spirit in which the Governor's special responsibilities are worked. What we hope is that this may not prove to be worse than the existing dyarchy in actual practice.

The proposal for the remission of a share of the jute tax and income-tax will be welcomed by all. But I have my doubts if that would help Bengal in giving her financial stability in the real sense. As we have seen, Sir, every reform has meant increase in the cost of administration and I am sure the so-called provincial autonomy will take away a large portion of the money we will be getting, leaving a small margin for the needs of the province. The only solution lay in the remission of the entire jute tax which can certainly be claimed as a provincial revenue, being solely derived from a provincial produce. Sir, I put it with all the emphasis at my command that unless the financial position of Bengal is sufficiently improved true provincial autonomy cannot be introduced.

Sir, the proposed federal constitution has been made to depend on a series of conditions which have been so framed as to make the federation a remote contingency and we are left exactly at the same place as envisaged by the Simon Commission. First, "His Majesty's Government propose as the condition to be satisfied before the federal constitution is brought into operation that the rulers of states representing not less than half the aggregate population of the Indian States and entitled to not less than half the seats allotted to the States in the Federal Upper Chamber shall have executed Instruments of Accession." There is already a considerable body of princely opinion led by the late Jam Sahib of Navanagar and the Kathiwar States who are opposed to the Federation scheme. Besides, the princes also have got a formidable list of "safeguards." Under the circumstances it will take a number of years to have the Instruments of Accession signed by the requisite number of States. Thus responsible government in India has been made to depend on the decision of the princes to join the Federation, a feature which would not be liked by British India.

The requirement of an address of both the Houses of Parliament as an essential preliminary to a purely executive action of inaugurating the federation after the passing of the Constitution Act, is something unprecedented in British constitutional law and history. In practice this provision leaves dangerous scope for the House of Lords to undo the whole thing at the last minute. Besides, there are additional conditions which are by no means less important. "Before the first

federal ministry comes into being" a Reserve Bank "free from political influence" must be set up by the present legislature and operate successfully. The preparation of the new and enlarged electoral rolls is another condition.

Throughout the 119 pages of the White Paper there is no mention of Dominion Status even as a remote ideal. Ours is to be a Constitution Act and not "Dominion Status Act."

I must now say a few words about the proposed "safeguards" which are to be in the common interests of India and the United Kingdom. In democratic constitutions safeguards are provided by enjoining a more dilatory procedure in regard to certain fundamental questions, e.g., requirement of a special majority in the legislature or some other constitutional device. Now if our safeguards were truly subsidiary to the main objective of devising a suitable system of responsible government the authors of the White Paper would have to provide such safeguards by a system of checks and balances among the various sections of the Legislature itself. Instead, we have got a formidable list of extra-constitutional safeguards. Now it must be confessed that this is a device which may prove dangerous in the future. Then again, though the safeguards are professed to be of a transitional character the White Paper imposes no time or other limit to their continuance.

Sir, it is true that in the constitution of every country there are provisions for special power to be exercised by the Executive head. The necessity is more so for the peculiar conditions existing in India.

The list of powers granted to the Governor-General is really formidable. But if they are not exercised with discretion, responsibility at the centre may be the exception rather than the rule.

The position of the Federal Finance Minister will be the most pitiable indeed. The Statutory Railway Board and the Reserve Bank take away from him control over Railway finance and currency and exchange. He will have no voice over the army budget and he will have to reckon with the "Financial Adviser" of the Governor-General.

There are also other provisions in the present proposals which are not calculated to satisfy Indian aspirations. The Secretary of State for India is to remain with a modified India Council with his wide powers of superintendence, direction and control. There is no automatic provision for the growth of the constitution along the lines of Dominion Status.

Sir, this then is the constitutional picture contained in the White Paper. The interest of peace and harmony between these two historic countries demands the highest degree of statesmanlike qualities. May I hope that the constitutional proposals of His Majesty's Government

will be so reshaped in the Joint Select Committee as to satisfy in the near future the long-cherished aspiration of the Indian people for dominion status within the Empire?

Khan Bahadur Maulvi AZIZUL HAQUE: A brief span of 15 minutes is hardly sufficient to criticise the details, and far less to put in constructive suggestions about the White Paper. So many conflicting opinions have been expressed in the press and in the platform within the recent few weeks both in India and in England that, on one side we get a picture of the White Paper, as I said the other day to one of my friends, as absolutely white and nothing but white, while on the other hand we get a picture of the White Paper as a most revolutionary document responsible for the loss of the Empire. In the midst of all these conflicting views it is very difficult, specially in these critical times, to balance one's judgment and I shall certainly take care to modify my remarks with a view to finding out as to how far it may be possible for me to put in one or two constructive suggestions within the short time at my disposal. I am quite aware that the Indian constitution, circumstanced as we are, requires safeguards and the history of India for the last 150 years has been such that we cannot, even if we wish, immediately separate ourselves from all connections with Great Britain. These are the accepted facts, therefore, from which we have to start, yet I feel, when I generally study the White Paper as a whole, that the picture of the safeguards has been so much overdrawn and thickly coloured, so demonstrably visible in the variety of colours —sometimes in such a fine mosaic as to drown the picture itself—that we are forced to ask at times the question whether it could not have been conceived in a spirit of greater trustfulness. I feel, Sir, in reading through the pages that so much emphasis has been laid on safeguards that at times we forget to look at the main mechanism itself and look only at the breaks, screws and nuts, etc., and many other things that are put in to stabilise the whole picture. Sir, the general impression, therefore, seems to be that, instead of being an agreed constitution it is an imposed constitution and all the talks that we have had in the successive Round Table Conferences covering a period of three years have not been able to produce a constitution which might have the acceptance of the country. At the same time I must say that I am not oblivious of the surroundings around us and the remote feasibility of an agreed constitution. Even to this day when my friend, Maharaja Sris Chandra Nandy of Kasimbazar, still questions the allocation of seats on communal lines and the division of constituencies on linguistic basis, I doubt very much whether it is yet possible to have an agreed constitution at least on important functions. Sir, I am saying all these as preliminary remarks and I would only put to test the constitution on certain general principles.

All I say is that if these principles satisfy me then I say that we have achieved much: if they do not satisfy me I say that some modifications are necessary for its acceptance by the people at large. The first and primary test I put is whether under the new constitution we shall have a large measure of fiscal, administrative and legislative freedom. While it may be possible by the growth of convention to get round many safeguards and other things the primary matter concerned is whether the people of the province will be able to set up a legislature in which they will find the executive really responsible to the legislature and able to carry out their wishes and policy. In this matter I would put three or four questions and if I feel that the answers to the questions are in the affirmative and if anybody says that it is possible for the legislature to carry them into practice, then I say that whatever may be the nature of the safeguards it is possible to work the constitution to the full benefit of the country. Suppose, Sir, as a measure of retrenchment the House decide that instead of five Commissioners we should have three; that instead of five Deputy Inspectors-General we should have three and suppose that the House decide that the judiciary should be Indianised at the earliest possible date without affecting the present services in Bengal: that the services in Bengal ought to be gradually Indianised: if I feel that the future legislature will be able to do all these things without any interference, then I think that this legislature will be gaining an objective which it does not enjoy at present

The second point is as regards the Upper Chamber. I have read years past my primary lessons of political philosophy under Mr. Wordsworth and Mr. Gilchrist and I have an inherent dislike for the Second Chamber. But I must say that on analysing the constitution and looking to the franchise proposition I question myself as to whether there is any justification for a Second Chamber. I quite understand that a Second Chamber is necessary in most of the constitutions in order to revise the decisions of the Lower House. Things are bound to be carried in the popular legislature which will require revision. But after all you have vested the Governor with so many special powers, brakes, etc., that I ask, is there any necessity for an Upper Chamber to revise the decisions of the Lower House? That function will be performed by the Governors and the Governor-General himself. Are these Second Chambers necessary in Bengal, Bihar and Orissa, and the United Provinces? What are the special characteristics of these three provinces to differentiate them from other provinces which make it necessary for them to have a Second Chamber? What are the reasons that we must have Upper Chambers in these three provinces and not anywhere else? If the Second Chamber is necessary for these three provinces, surely the same condition ought to hold good for other provinces as well. If they are not necessary in other places why should they be necessary in these three provinces? I feel, Sir, that so long as the Second Chamber is

there its electorate should be so reduced as to make it open at least to the intelligentsia of the middle-class people and not to make it a close preserve for men in the service who have grown old and become unfit for any more public service. We should at least put some life-blood in it to make it a little more energetic instead of making it a close preserve for people who will have not even the *vertebra* within themselves. Then there is another point to which I would draw attention and which is inconsistent with the grant of provincial autonomy, namely, the recruitment of the Imperial and Police Services. In these two matters I feel, Sir, that the safeguards have been so drawn as to leave no option for the Provincial Government even to be consulted. When I find that a statutory body is to be set up five years hence, I do not find anything mentioned that the Provincial Government which will be responsible for the working of the constitution would be consulted. I feel that at least for five years I do not want to disturb the machinery but when after five years this matter will be revised the provincial Government should be consulted whether or not recruitment in Europe will be necessary in the future. I must say in this connection that after all we are on the way to getting something to make Bengal financially solvent. We shall get 50 per cent. of the jute tax and not less than 20 and not more than 50 per cent. of the income-tax. But there still remains much to be done. If jute tax is in the nature of a tax which is primarily provincial, there is absolutely no reason why it should be a federal source of taxation. To have a federation it must be laid down that taxation should be on equal basis: otherwise some provinces will try to get a concession out of other provinces. Take for instance the jute tax. The other provinces would certainly like to have a share in the jute tax and the majority in the Assembly think that this should go to the Centre because it will be to their interest to see that they are not taxed for the benefit of the Imperial Exchequer. That being so, we at this stage should make it absolutely clear that it is only just and proper that the jute tax should come to us. This is the principle which has been accepted by the Taxation Enquiry Committee, the principle which has been accepted by all theorists and economists, namely, that the jute tax in its very nature must be provincial in its realisation and expenditure. If the Government of India thinks that a certain portion of the tax should be kept for its expenditure for a temporary period, we do claim that a time will come when the jute tax should be given over entirely to Bengal. I might say in this connection that if we have a crippled finance it is not our fault. It is not the people who wanted the permanent settlement which has led to the present financial strait of Bengal. If as a result of that settlement we have been financially crippled it is the duty of the people who have foisted it on us to see that our finances are kept in a condition in which other provinces may not get an undue advantage over us.

With all these criticisms of the White Paper I am not oblivious of the fact that it will lead to the enlargement of the franchise. The Montagu-Chelmsford Reforms did leave out 98 per cent. out of the picture. But, Sir, one day in Bengal over seven millions people will be askd to exercise the right of franchise and what it ultimately means is that every one of us will be able to exercise the right of franchise. The people of Bengal will be called upon to exercise their judgment on all important matters and congress people or non-congress people, co-operators or non-co-operators, extremists or moderates, capitalists or labourers, all will have to exercise their judgment on all political issues and they will have to approach everybody individually and then public opinion will be gradually crystallised, and whether the responsibility which we shall have to undertake is 16 annas or 9 annas in the rupee, I feel that after we get a trained electorate and after public opinion has taken shape on proper lines, the case of India whether for Dominion Status or for anything higher will be irresistible. Sir, I have not seen in the history of the world anything that can resist the wave of public opinion. Whatever and how many the safeguards may be, conventions are bound to grow up and I feel, Sir, that conventions will always take the place of safeguards. It is true that political constitutions begin always with political safeguards and we find too many safeguards hedged round the proposals. But these safeguards have rarely succeeded in resisting the public opinion, and when public opinion is properly trained, I feel at no distant date, it will not be possible for any amount of limitations to put a stop to the legitimate aspirations of the people. Sir, once the constitution is set to work it will be seen that in spite of the brakes and limitations I have spoken of, and in spite of the attempt made to block the wheels, the wheels will be absolutely free to move on the onward march of progress. Sir, the poet has written

> "The moving Finger writes, and having writ
> Moves on. Nor all thy piety or wit
> Can cancel half a line."

There is no question of set-back in history. If we get a competent legislature with trained electorate and disciplined parties it will be possible for us to do much even with the limitations set before us. We must realise that in the first instance these safeguards are necessary for the officials; but gradually the officials will have to go to the background and if these safeguards are necessary now it is simply for the purpose of protecting their interests. In their place will rise a new class of people responsible to the people, responsible to the legislature which will guide them to the proper working of the constitution. That, Sir, I feel will be a complete transfer of responsibility but certainly the fetters that have been put round the proposals make us nervous that the

brakes might be put in such a manner as to completely stop further progress. Those who have studied the political and constitutional history of the world feel that there is no reason to be nervous especially when we realise that our cause is just and that righteousness is the only way through which we shall reach our goal.

Mr. NARENDRA KUMAR BASU: For about the last fortnight or so that the White Paper has been before the public of India, I do not know that there has been any individual public man—any responsible public man of India—who has not condemned it, and I need hardly remind the members of this House of the resolutions that have been passed in the Indian Legislative Assembly as well as in some of the provincial Councils, especially the Bihar Council, where they have all deplored the unsatisfactory nature of the proposals contained in the White Paper, and if one may be allowed to use the expression, they have all condemned the White Paper by bell, book and candle. Unless they are substantially modified, public opinion in India will not be satisfied. I am afraid that all these critics have forgotten one feature of the Paper, which to me is of tremendous import. Sir, we know of diplomatic and political utterances—utterances made to the ear but broken to the heart. We know diplomats and politicians are people who are sent abroad or kept in their own country to lie for the benefit of their country.

Well, so far as the White Paper is concerned I must say that even though it is a political document it has the merit of candour and if one were to use an unparliamentary expression there is no damned nonsense in it. So far as dominion status is concerned it is nowhere to be found within the four corners of the Paper. We all know that 12 years ago the Duke of Connaught in delivering His Majesty's message to the Indian people on the 9th February, 1921, said that "For years, it may be for generations, patriotic and loyal Indians have dreamed of *Swaraj* for their motherland. To-day you have the beginnings of *Swaraj* within my Empire; and widest scope and ample opportunity for progress to the liberty which my other dominions enjoy." Twelve years have passed, and His Majesty's words are to be fructified or falsified by this White Paper. I need hardly remind you of the promise made by the late Viceroy, Lord Irwin, in his declaration in the Indian Legislative Assembly about dominion status. I need hardly remind you of the words used, I am sorry to say, by the chameleon-like Prime Minister of England who has always been changing his political utterances in the course of the last few years. Where are those promises now? What indications are there of dominion status in this precious document called the White Paper? This book is priced annas four and has been supplied to us free. I would like to know whether in the 120 pages of this book there is any word about dominion status. Further, is there one word of further progress from the measures adumbrated in this?

Of the measures that have been set forth in this volume we have already heard much criticism. We have heard it pointed out that the federation that is foreshadowed in this book, and I may point out that I have never been enamoured of this idea of federation, nor can make out how it will work to the advantage of the Indian people—it will not come into existence for well over a certain number of years, that is, until certain important matters have been settled. I am not talking of the consent of a certain number of Indian princes, but of the Reserve Bank which it is said must have been working satisfactorily for some time. We all know that a bank cannot be said to be working satisfactorily after say six months, it must take at least some years to work satisfactorily. Then again as pointed out by the Maharaja of Kasimbazar, there is the other limitation regarding the addresses from both Houses of Parliament. That means the federation is not going to come into being within the next 30 years. I have not been able to understand what the federation of the rulers of Indian States and the federation of British provinces mean, but it is stated that so long as there is no federation there will be no responsibility in the Centre, and so long as this so-called federation does not come into existence, the Central responsibility will not come.

Now, Sir, what is the sort of Central responsibility promised? It is this: you have already had a *resumé* of its main limitations from the previous speakers: they are—

(1) *Reserved Departments*—

Defence.

External Affairs.

Ecclesiastical Administration.

(2) *Special Responsibilities*—

Peace and tranquillity.

Financial stability.

Minorities.

Public Services.

Rights of Indian States.

Commercial Discrimination.

(3) *Discretionary Powers*—

Dissolution, prorogation and summoning of legislatures.

Assent to Bills.

Previous sanction to legislative measures.

Power to summon forthwith joint session.

And then finally the rights given in paragraph 34—

(1) The power to take action, notwithstanding an adverse vote in the legislature.

(2) The power to arrest the course of discussion of measures in the legislature.

(3) The power to make rules of legislative business in so far as these are required to provide for the due exercise of his own powers and responsibilities.

After this what is left to the Federal Legislature? All that is left is something, if I may be permitted to say so, like Sir Abdelkerim Ghuznavi's departments in the Bengal Government—Forests, Emigration, Immigration, Irrigation, and Hadj. Everything else goes to the Governor-General of India. As regards the sphere of legislation also we have seen that though the power of certification is to be taken away it is to be replaced by executive message and mandate to the legislature. Over and above these, there are the Governor-General's Ordinances and the Governor-General's Acts. Sir, I have been a student of law for the last 35 years and I have still to know that the sweet will and pleasure of any Governor may make anything lawful. I submit that it is a pure negation of law and the very antithesis of what law connotes to say that the expression of the will of an autocrat is to be called a law.

Coming to the provinces next you will find all these special powers vested in the Governors *plus* the carrying out of the orders of the Governor-General who will exercise general superintendence over the Governors, and there is also the general supervision of the Secretary of State unfettered by a Council. Then, in paragraph 105 the Governor will be empowered at his discretion, if at any time he is satisfied that a situation has arisen which renders it for the time being impossible for the Government of the province to be carried on in accordance with the provisions of the Constitution Act, by Proclamation to assume to himself all such powers vested by law in any provincial authority as appear to him to be necessary. Taking these together with the limitations given in paragraphs 125 and 126 that the authority of the Federal Government will extend to the giving of directions to a provincial Government as to the manner in which the provincial Government is to exercise its executive power and authority in federal subjects and that the Governor-General will be empowered at his discretion to issue instructions to the Governor of any province as to the manner in which the executive power and authority in that province is to be exercised for the purpose of preventing any grave menace to the peace and tranquillity of India or any part thereof, what is left of provincial autonomy? That I am not exaggerating at all will be apparent from the speech delivered by the Secretary of State in the House of Commons the other day. I

am not quoting from the other Calcutta newspapers which it might be said do not give properly the utterances of British Ministers, but the "Statesman" which in its issue of the 28th March, 1933, reports him as saying "Every one admitted that changes were necessary, and it was essential that no changes that the Government proposed, still less any changes that Parliament enacted, should weaken the Indian Executive either in the Centre or in the provinces. The Government were concentrating on the essentials, and defining responsibility. It was essential that the executive in the Centre and in the provinces should be strong." And that executive, as we have seen, is irremovable, not only irremovable but so far as the Ministers are concerned, the officers will be untouchable; they will be in the position, as we say in Bengal, of *cushurs*. They will not have the right to say where the people of the services were to go and where not. Even the postings, promotions, leave, transfers and everything of the officers will be beyond the scope of the Ministers.

So far as the legislature is concerned, there is one very beautiful feature which I do not know if it has been pointed out in this House. You will find that the heads of expenditure with which the legislature is not allowed to meddle include the salary and the allowances of the Ministers, that is to say, the provincial autonomy is to be such and the responsibility of the Ministers to the legislature is to be such that the Legislative Council will not be allowed to touch the salary or the allowances of the Ministers after these are once fixed. That is the sort of provincial autonomy and provincial responsibility that we are getting. I submit, Sir, that under this constitution the Ministers will be bound to carry out the dictates of their I.C.S Secretaries who will have direct access to the Governor. So far as the provincial Governors are concerned, they will not have any Financial Advisers like the Governor-General but will have an I.C.S man as the Financial Secretary to guide them on financial matters and they will override the Ministers at the option of the Financial Secretary.

Then, Sir, take the Judicature. The great thing that strikes one is the abolition of the present limitation as to the number of non-professional Judges of the High Court. It may be possible that under the new constitution all the Judges of the Calcutta High Court will be members of the Indian Civil Service, and it is also possible that the Chief Justice of the Calcutta High Court will be an Indian Civil Servant. I submit that that is not a state of things which Bengal can look upon with equanimity. There is also another very dangerous provision that the federal legislature will have the authority to regulate the power exercised by the High Court over the subordinate courts of the province. Section 107 of the Government of India Act which regulates the superintendence of the High Courts over subordinate courts is a provision in a Parliamentary Statute. Therefore the Indian legislature cannot touch it,

but even that power is to be taken away from the Parliament and given to the federal legislature, because the federal legislature is to be under the thumb of the executive for a long time to come.

Turning to our particular province, we have already heard from some of the members about the jute tax. I take it that the proposals that our worthy countrymen Sir P. C. Mitter and Sir N. N. Sircar laid before the Round Table Conference are still fresh before the British Government. The note given by Mr. Ghuznavi also will have shown to the Secretary of State that so far as the jute tax was concerned, Bengal was certainly entitled to the whole of it; but all that has been brushed aside, and this sort of provision that we have seen has been made. I submit that it is rather strange how this sort of constitution has come out of the statesmanship of the British Cabinet. It is more or less a monstrosity and a political abortion.

Babu JITENDRALAL BANNERJEE: I agree with much of the criticism of Mr. Narendra Kumar Basu, and I agree still more with the sober, temperate and judicious criticism of Khan Bahadur Azizul Haque, a gentleman with whom I have seldom the pleasure of agreeing. But, Sir, even here lies the difficulty of the situation. There are so many legitimate opportunities for finding fault with the White Paper, the target for criticism which it provokes, is so broad and extensive that it is difficult to edge in a word of appreciation even for the tremendous advance in the direction of responsibility which the White Paper really makes. Sir, there is one point on which I would like to join issue with my friend Mr. N. K. Basu. I think the question immediately before us is not one of praise or condemnation, the question to be decided is whether the scheme presented by the White Paper is a workable scheme which gives room and opportunity for advancing the cause of the country. This will be the test by which the Constitution adumbrated by the White Paper will have to be judged. It is easy to produce a paper-perfect scheme, a scheme about which theoretically there is nothing to condemn. Here, in my hand, I hold a hefty volume which represents one such paper-perfect constitution, the Nehru Report, which was produced in 1928, and about which not a whisper is now heard, by way of praise or blame. In that year of wonders, 1927, a series of all-parties Conferences were held for the purpose of evolving an agreed Constitution for India; and as a result of this number of Conferences, a Committee was appointed, a Committee which I may describe as containing the quintessential wisdom of India. It was presided over by Pandit Moti Lal Nehru, on behalf of the Congress and amongst the members of that Committee were Sir Tej Bahadur Sapru and Mr. Jayakar, the gods of the latter-day Liberal party. They presented a report which was discussed in a series of sittings here, in Calcutta, in the latter days of 1928 and in the early

part of 1929. I attended these meetings and on one occasion I had the pleasure of upsetting the apple cart. As a result of these sittings, a Constitution was evolved which received the benedictions of United India. But after then, what happened? The Muhammadans would not touch it with a pair of tongs, the Sikhs would have none of it, the Congress itself turned its back upon it, and within the last 15 days, in the course of the various discussions which the White Paper has provoked, I have not heard a single reference to that wonder of a work, the Nehru Constitution. A paper-perfect Constitution is easy to produce and easy to forget but the many and multiplied problems that a working Constitution is expected to solve, the diverse and divergent needs of a variegated people for which it is expected to be adequate—these must present a test of enormous difficulty; and you must take these difficulties into account in judging the production before us. So far as I am concerned, I frankly confess that I have little faith in a paper-Constitution. After all, the value of a Constitution will depend, not upon its clauses, sections and sub-sections, but upon the men who are to work the Constitution. However, poor or crippled your constitution may seem to be, if you work it withalabour of body and brain, if you work it with trust, goodwill and mutual confidence, you can make of it whatever you will. A Constitution is not like a document on law-paper: it is not meant for mere analysis or dissection: rather, it is like a house in which we have got to live, and it is for us to decide whether the house will be sound, watertight, commodious, and beautiful to behold or not.

I should have liked, if left entirely to myself, I should have liked to sit down after making just one statement and no more; and the statement I would like to make is this that, except for one circumstance, except for one limitation, whatever the defects of the Constitution might be—God knows, there are defects enough—we should work it for all it is worth. There was no longer to be any question of boycott or non-co-operation. That error, let me hope, is over and done with for all time to come. Sir, one is free to admit that the Constitution sketched in the White Paper, does not give us Dominion Status. It does not give us full responsible Government. I take the one as synonymous for the other; and inasmuch as it does not give us either of these things, it is unacceptable to the political aspirations and ambitions of the people of India. Thus far may be conceded at once. It may be conceded also that the little modicum of responsibility that has been given has been hedged round with so many safeguards that the mere enumeration of them is a tremendous business.

So far as Administration is concerned, we have the reserved departments, the special responsibilities, and the discretionary powers. So far as Legislation is concerned, we have the powers of "command" legislation, the power to initiate legislation, and the power to stop,

check and veto legislation, the Governor-General's Acts, and also our old friend, the power of making Ordinances. And so far as the executive Government is concerned, we have the Secretary of State with his absolute and uncontrolled authority over the All-India and Central services. These are the eight major heads, and under each of these heads there are at least five sub-heads; and then also there is the Statutory Railway Board, the Statutory Public Services Commission, and the permanent and irremoveable Provincial Public Services Commissions. And as I enumerate this formidable list I am tempted once again to repeat the complaint that, when all these deductions have been made, what is left of Responsible Government? What is left of responsibility at the centre? But, formidable as this enumeration may appear to be, one is still inclined to ask: these checks, limitations and safeguards, are they really so formidable after all, are they really formidable except on paper? I would like to put one humble question before my friends. Take the question of the reserved departments of the Governor-General. How do they affect the actual day-to-day life of the people? Take the question of the Army and control over the Army, of which so much has been made. Are we really pining for control over the Army? Shall we go on hunger-strike from to-morrow if this power is not conceded to us? There is also the question of control over foreign relations. Supposing we do not get it all at once, all the same, the day-to-day life of the people will go on just as usual, and we shall thrive and prosper if we are in possession—as we are likely to be—of an ample measure of individual liberty and individual freedom of action. But there is a higher ground upon which I should like to argue this question of safeguards. Many of these safeguards—have we not ourselves to blame for them and are they not dictated by the very necessities of the case? Take the case of the Central Government. We do not know what sort of legislature we are going to get there. The Princes will come in and they will form one-third in the Lower House and more than one-third in the Upper House. With the Princes and their representatives we have never worked, we do not know what their peculiar views and idiosyncracies may be; and it may be that, in mere self-interest, for the mere purpose of protecting ourselves, we shall require to invoke the power of these safeguards against our new friends and colleagues. Let me pass on from the Central Government to the Provinces. Are we really blind to the fact that some safeguards are demanded by our weakness? Is there not everywhere and all the time, bitter distrust of one community for the other? Does not the Sikh fear the Muhammadan and the Muhammadan fear the Hindu? Do not the depressed classes look with fear; suspicion and distrust upon the Hindus of the upper castes? These are facts of which we are being daily and hourly reminded, and yet we forget them in the heat of controversy. Do we not remember that, within the last few days, some of our people, the representatives of the caste-Hindus, have been

invoking one of the discretionery powers of the Governor-General—I mean in respect of the Temple Entry Bill? What has happened once, may happen again; and I have to confess with shame and sorrow that many of these safeguards, such as they are, have been dictated by our own weakness and irremoveable distrust of one another. Once this distrust passes away, once we learn to confide in one another and the more we work, the more will the habit grow among us, the habit of standing shoulder to shoulder, in joy and in sorrow—once that time arrives, these safeguards will be blown away from our path like cobwebs before a rising wind. There is another point to be noted in considering this question of safeguards. How often or how seldom will they require to be put into operation? After all, the English are a practical people, they know that you cannot rule by means of extraordinary powers alone, they know that you cannot make extraordinary powers the normal routine of administration. In every Constitution, there must be a reserve of extraordinary power somewhere, but the fact that there is this reserve of power does not make it imperative that it must be used. People are apt to forget the history of other countries. Take the case of England itself with which we are so familiar. Even now the King possesses tremendous powers; he has the power of declaring war and concluding peace, and he has the power of absolutely vetoing any piece of legislation that Parliament may present before him. But does he venture, could he possibly venture, to exercise these powers? He could not, because public opinion would debar him from doing that; and so also must it be here. The people who are perpetually finding fault with theoretical safeguards only indicate that they have no confidence in themselves. On the other hand, such is my confidence in the possibilities of my people, in the possibilities of this great and growing country, that I think that in spite of these safeguards we shall be able to move on till we reach, not simply the status of Dominion Government, but of absolute independence.

The question of safeguards is a depressing one after all, and I should like to pass on to a new subject: I should like to contemplate the tremendous powers and responsibilities that are really entrusted to the Provincial Governments. But here again, I must reiterate my agreement with Khan Bahadur Azizul Haque. He hits the right nail on the head when he points to the question of the Services. That is the weak point of the whole structure. If that weakness is not removed, if that point is not reconsidered and readjusted, I shall hold that the Constitution cannot be worked. If the Ministers of the future do not possess the fullest power and authority over their subordinates, if the so-called All-India services are to be recruited in England by the Secretary of State, if the conditions of their service and pay are to be fixed from there, if the question of their promotions and transfers has to be fixed from there, I should say, "do not mock us with this shadow" and

travesty of Responsible Government; take it away and let things drift on as they have been doing for the last miserable century and a half". But, Sir, that point being conceded—and I still believe that commonsense, equity and justice will prevail, and that the Provincial Governments of the future will be given full power and control over the Services—that point being conceded, I should say, consider the tremendous powers which the Ministers and legislatures of the future will be able to exercise. Let us visualize the coming state of things. A legislature entirely elected; a Governor surrounded by Ministers, all of them elected and all of them responsible to the legislature, and removeable by the legislature. Does not this open a boundless field of promise before us? What does it matter if the Minister's salaries once fixed, cannot be touched again? We can dismiss them, we can send them to the rightabout; and is not that power enough? Take Education, Agriculture and Industry. With Ministers in unfettered control, can you not change the very face of the country if you have the heart and will to do so? Granted a modicum of financial stability, —and of that stability we have been partly assured,—granted a modicum of financial stability, I am overwhelmed with wonder as I contemplate the tremendous power for good which the Ministers and legislatures of the future will be able to wield and exercise. As I behold them in my mind's eye, I can see that their faces are aflush with the roseate hue of dawn, while, above their heads, the skies that are big with benediction will burst in showers of thankful rejoicing. These Ministers of the future, they will be able to make two blades of corn grow where one grew before; they will flush the soil and make it free from disease; they will irrigate the land and make it overflow with golden grain. And in all these beneficent activities of theirs, there will be none to check, none to hinder their course. And they will perform also the humdrum work of daily life; they will drive the road and bridge the river; they will make sure to each man his own so that he may reap where he hath sown. All these things will come, not perhaps in our day and generation, but they will come to those who can wait, in faith and hope for the fulfilment of their dreams.

Dr. NARESH CHANDRA SEN GUPTA: India asked for freedom, she has got the White Paper. She cried and struggled for responsible government, she has got the safeguards, and the question which is puzzling India to-day is whether what we have got is half a loaf or only a bit of a stone. Mr. Nag yesterday drew a picture of the history of British Government in India and showed how we have progressed from stage to stage.

Mr. S. A. NAG: I did not draw any such picture. It was Mr. P. N Guha, I believe, who did that.

Dr. NARESH CHANDRA SEN GUPTA: Then I am sorry. It was Mr. P. N. Guha. I fully agree with that picture. There has been progress. No one who has his eyes open would deny that, but the tragedy of the whole thing, the tragedy of the entire history has been that the concessions which have been given by Britain to India from time to time, the steps by which she has led India to higher and higher stages of advancement have been so tardily given and given at a time when the right moment had passed, and given too in a measure which always fell so far short of the expectation of the people that, in spite of the great and solid achievement for which I would certainly give credit to the British administration of 150 years, the result has been only a great volume of discontent and that history I am afraid is going to be repeated in the White Paper. As a scheme which seeks to give concessions to the people in the matter of constitutional reforms it certainly marks an advance on the constitution as we have now, although there are setbacks. Nonetheless it has come in such a shape and at such a time and has fallen so far short of the anticipations which the people were taught to make, that the result of it will mean one further dose of great discontent. Sir, why is it that Britain set out thinking about giving a further instalment of reform to India? Why is it that India wanted further reforms? India wanted further reforms because she wanted the right to frame her own destiny, the right to develop to full manhood, the right to develop into prosperity and national self-respect by her own effort. Great Britain has been actuated partly by the idealists who have always thriven in her soil and partly by people who want to establish peace and goodwill between England and India. These are the objectives of the two sides. But let us examine how far these objectives have been gained by the White Paper placed before us. For one thing it is not going to make for peace; it might have made for peace and goodwill amongst the two countries if it had been given several years ago but it will not make for peace and goodwill now. The blood and iron policy which had been followed during the past few years and which has created a great amount of irritation amongst the people would require a far greater measure of freedom to allay the irritation and compensate the people for sufferings that they have had. Peace and goodwill between the two peoples we will not have from the present constitution. Now let us look at it from another point of view. Will it enable us to achieve the objective which the Indian nationalist has in view? Will it enable us to function as a government which will be capable of realising the destiny of India, developing her resources to the fullest extent for the benefit, happiness and prosperity of her people? Looking at it from that point of view, I am afraid, the constitution will be looked upon as an utter failure. I may say at once that it would be an easy task to pick out the merits of the constitution as outlined. Mr. Jitendralal Bannerjee has attempted to do so and Khan Bahadur Azizul Haque has also pointed to other merits but if we examine those very points

you will be pained to find that at every step the advancement made has been hemmed in by limitations which would make it practically valueless. Mr. J. L. Bannerjee while he was speaking on the merits of the proposal himself knocked them on the head by pointing out limitations which will make them absolutely valueless. Look at the provincial autonomy which was as good as promised to us, though that promise was made in language as enigmatic and vague as that of the Oracles of Delphi; that is hemmed in by safeguards. Look at Central responsibility. I leave aside the question of safeguards, I leave aside the question of reservations and deductions because these are things which are not within the range of practical politics. A great deal of thought has been spent on working out the details of the federal constitution but the whole elaborate structure rests on federation and the conditions precedent to federation may not be fulfilled and that is distinctly visualised in the White Paper. If they are not fulfilled, what then? Well, we shall have a further dose of the costly consultations which, like the proverbial mountain in labour, will not be prolific of results. As against these we have the safeguards. I will not labour the point of safeguards very much because it has already been very much talked about in this House. I will not also refer to the absence of any reference to that great promise made in the preamble of the Government of India Act which these proposals are to replace. Well, Sir, there are the safeguards. Provincial autonomy as well as federal responsibility if, and when it comes, is hemmed in by safeguards visible and invisible—visible safeguards in the shape of special powers and special responsibility of the Governor in the shape of reserved subjects in the Centre plus the special responsibility of the Governor-General in Council, a Statutory Railway Board framed not by the legislature of the future but now, before the legislature of the future can have a say in the matter, a ready made reserve bank started on approved lines at the dictate of Whitehall and, last but not the least, the Indian Civil Service.

(Here the Council was adjourned for 15 minutes for prayer.)

(After adjournment.)

Dr. NARESH CHANDRA SEN GUPTA: I will not dilate on these safeguards which are express and manifest; but far more serious than those safeguards are the insidious limitations put upon the structure of the constitution itself. In the Centre there will be a substantial contingent from the States to act as an effective brake and the rest of the federal crew is so divided against itself that the representatives of the majority of the people who have given evidence of high political ability are definitely put out of action. This process of emasculation of the most forward and effective political thought will be carried out in all the provinces—notably in Bengal, and both the Houses in Bengal have been so designed that no progressive political

party can under this constitution make its influence felt, far less acquire a dominant position. Sir, Mr. Jitendralal Bannerjee was drawing a roseate picture of the future constitution under the Ministers who he said will be growing in power to do immense good to the country. A fine picture indeed, but what chance is there of that being realised with a provincial legislature and a provincial Government circumscribed and hedged round by these limitations? When there are governments in the future with very great progressive ideals and programmes for the definite amelioration of the conditions of the people they will be altogether put out of action by the fine balancing of interests in the Legislature and the incubus of an archaic Second Chamber sitting upon them.

Lest I should be accused of exaggeration I shall call as a witness Sir Samuel Hoare himself who in one of the speeches claimed that under the constitution as it has been framed no extremist party could ever have a majority in the Centre or in Bengal. I do not want to travel further into generalities. I would only say that looking at the picture as a whole it is not the grant of responsible Government or anything like it: it is merely a travesty of responsible Government. Sir, Mr. Jitendralal Bannerjee has made a speech with his usual eloquence in which he apparently differed very widely from us. But as a matter of fact I have failed to discover any real point of difference. He agrees with us that the safeguards are excessive, only he hopes that they will be merely paper safeguards, and in the same breath he thinks that safeguards will be necessary on account of our own fault. I do not know which of the statements to take seriously. He agrees that the constitution is not acceptable in the absence of any declaration of the goal of dominion status. He agrees that the Civil Service, not removable by the Ministers, is an anomaly. The point of difference between him and us therefore boils itself down to this: should we or should we not work the constitution if it is offered to us? Well, in that I am in agreement with him that if there is nothing better, it is no good ploughing the sand on a barren field but to work the constitution as it is offered to us and to try to achieve more.

Maulvi TAMIZUDDIN KHAN: Mr. President, Sir, it is somewhat disconcerting to rise to speak in this House after it has been treated to the exhilarating eloquence of Mr. Bannerjee. Although I agree with him on many points, I am afraid I shall have to strike a note somewhat different from what has been found in Mr. Bannerjee's speech.

Sir, until the other day there was a prevailing feeling in the country that India was on the threshold of great constitutional changes whereby a measure of real self-government was going to be conferred on her. The publication of the White Paper seems to have worked as a disillusionment. To my mind no other document issued

by the British Government ever met with such unanimous condemnation at the hands of the Indian public. It will be apt to recall in this connection the Montagu-Chelmsford Report. We know, Sir, the reforms that were based upon that report did not give satisfaction to India as we have all seen throughout the last decade. But so far as the White Paper is concerned, all shades of opinion otherwise divergent on matters political seem to be united in attacking it in the same strain. The Congressite and the Moderate, the Nationalist and the Liberal (or ultra-moderate), the Hindu, the Muslim and the Sikh, the high caste Hindu and the scheduled caste Hindu, the capitalist and the labourer, the landlord and the tenant, all stand combined on the common platform of discontent provided by the White Paper proposals. Such universal and sweeping condemnation may not be fully justified from all points of view, but the general gloom of the picture is so prominent and pervading that it is not unnatural if the few light spots, that may be found here and there, have been lost sight of in the general discontent that it has given rise to.

Sir, Mr. Thompson said yesterday that this condemnation itself is the strongest recommendation of the White Paper because, he says, that the very fact that it has satisfied none, shows that it is a fair and impartial document. I think these remarks are not at all applicable to the White Paper. I am sure Mr. Thompson was not in earnest. These remarks may have been applicable to the communal award because that was a document in which the main question was justice as between community and community. While in the case of the White Paper the communal question is only a subordinate question. Here the problem is more national than communal. Therefore to say that the universal condemnation that the White Paper has received is rather a recommendation for it is, I think, not a correct proposition that has been propounded by Mr. Thompson.

Sir, it is not possible to deal with all the complicated questions that have been dealt with in the White Paper in the course of the short time at my disposal. I therefore propose to deal with only a few of the salient features of the scheme outlined in the White Paper. I want first of all to say a few words about the Centre. Here in the first place the proposal to incorporate the States in the scheme of federation seems to me to be a great blunder—I should say a Himalayan blunder, to borrow the favourite phrase of Mr. Gandhi. However appealing this may be to the imagination of the idealist, the constitutional barge is doomed to founder on this solid rock. The wary Princes, even if they agree to come into the federation, will never condescend to surrender a substantial quota of their rights to the federation, which, in consequence will never be that living force that can alone lead India to her destined goal, but will be nothing

but a mockery and a sham. The obvious object of bringing in the States seems to provide a permanent brake to the constitution, but unfortunately it seems to be forgotten that the brake proposed to be provided will be too heavy for the slender machine that is on the anvil.

Secondly, the proposal to incorporate the States in the scheme of federation will lead the British Government to the violation of the very first principle of democracy—I mean the principle of choosing representatives by election. The proposal is that one-third of the Federal Lower House and more than a third of the Federal Upper House will be nominated by the Princes. Apart, Sir, from the question that this will be a retrograde step and that it will be an undue weightage to the States, I think this will be disastrous to India in the long run, because whenever the elected representatives of British India will take a step in advance towards modernization, these ultra-conservative people who will be in no better position than that of members who are nominated by the Governor-General, will be opposed to such proposal, and it is not unlikely that gradually an unhealthy feeling of antagonism will grow up between the States and British India. The House will consider if this may not in the long run prove disastrous to both.

Thirdly, as has been pointed out time and again on the floor of this House, the hopes raised about conceding to India the status of a dominion have been ruthlessly shattered by the publication of the White Paper. Sir, what is more depressing in this connection is the melancholy fact that there is no provision whatsoever in the White Paper whereby India can automatically and by gradual steps rise to the position of a dominion within a reasonable period of time. Apparently therefore each step in advance in future will have to be preceded by a Royal Commission, then perhaps half a dozen Round Table Conferences and then by a Joint Select Committee and then again as a matter of course a Parliamentary Act. At such a pace, unless it is accelerated by some unforeseen cause it will take at least a century more for India to attain the full status of a dominion. I think, self-determination like this at a snail's speed will be a valuable addition to the Wilsonian theory, which the nations of the world seemed to have at one time accepted in theory with frantic enthusiasm owing to the exigencies of the great world war, but the practical application of which seems to have been conveniently deferred for further consideration until the coming great war.

Then, Sir, a few words about the safeguards. No doubt some safeguards are necessary under the present conditions; but the formidable array of autocratic powers which we find embodied in the White

Paper in the guise of safeguards and under such humble names as "special responsibilities" and "discretionary powers" make, to my mind, the whole scheme nothing but illusory.

Sir, it has been said by Mr. Thompson and also by Reverend B. A. Nag that these safeguards will not be of a drastic character and they will not stand in the way of India's progress. I am sorry I do not agree with them, and they will be surprised to see that even Mr. Churchill does not agree with them. He has admitted that under the scheme foreshadowed in the White Paper the Governor-General will be invested with wide powers such as are wielded by Herr Hitler and Signor Mussolini. The only difference is that in Germany and Italy, it is the people themselves who have given these autocratic powers to those great men, whereas in the case of India it is her British masters who are arming the Viceroy and the provincial Governors with these autocratic powers apparently with the object of keeping India under subjugation. It was pointed out yesterday by my friend, Mr. Syamaprosad Mookerjee, that at one time it was given out that whatever safeguards there might be, would be provided for the benefit of India, but the White Paper seems to be more frank and it admits that the safeguards will be not for the benefit of India alone but for the benefit of England as well. If a mathematical estimate of the respective benefit that these safeguards are calculated to bring to these countries is possible, to my mind 15 annas will fall to the share of the British lion and only one anna to that of the Indian lamb. Sir, I think I shall not be misunderstood, when I say this. There can be no objection to England profiting in a legitimate way from her Indian connection under an equitable scheme of honourable co-partnership, but the idea of domination which pervades the scheme outlined in the White Paper is what is galling to India's sense of self-respect, and I think it is the elimination of this idea which British statesmen are called upon to keep mostly in view in devising a constitution for India.

Lastly, I think the crowning tragedy of the self-government proposed to be given to India under the scheme as foreshadowed in the White Paper is that India will not be the mistress of her servants. This point has been very elaborately dealt with by the previous speakers. It will be seen that as regards the all-India and the Central services, recruitment will be in the hands of the Secretary of State as also their dismissal, and their pay will not be subject to the vote of the Indian legislature. The provincial Governments will have no effective control over the members of the Imperial Services serving in the provinces. I think conditions like these and self-government, except in name, cannot exist together.

Again, Sir, the true index of the measure of self-government enjoyed by a people is its control over the State's purse. Judging from this point of view, I think, India will be enjoying not more than three annas of self-government under the White Paper, because it will be seen that the representatives of India, namely, the members of the Central Legislature will have no control over finance except to the extent of about 20 per cent. It will be seen also that even this limited financial control is again circumscribed by checks and counter-checks which will make the whole thing utterly illusory.

I will not deal with the other points that can be raised in regard to the Centre, because the time at my disposal is very short. I will, therefore, finish my speech by touching upon a few points regarding the provincial sphere. Here it is to be admitted that the transferance of power seems to be more extensive, but here also the iron hand of the Governor like the sword of Democles hangs ominously over the head of the provincial legislature, a circumstance which will either make the legislature something like a pliant instrument to register the decrees of the provincial Governor or in the alternative, if the legislature tries to make a show of independence, will lead to frictions of which capital will be made by the obstructionists who will try to fan the flame of discontent among the people——

(The member having reached the time-limit had to resume his seat.)

Mr. PRESIDENT: I find that many more members are anxious to catch my eye. If I am to close the debate by 7 o'clock I should with the consent of the House like to impose a time-limit of 10 minutes on every speaker.

[No objection was taken.]

Mr. R. MAITI: Mr. President, Sir, we are very much thankful to the Hon'ble Mr. Prentice for giving us an opportunity of discussing the proposals of His Majesty's Government in regard to the future constitution for India as outlined in the White Paper of the 17th March, 1933. But, Sir, I doubt very much whether our discussion will really lead to any good results when we consider the fact that we have not been allowed to record the joint and emphatic protest of the whole House against the proposals contained in the White Paper.

Sir, it seems at least quite clear to us that discussion or no discussion—His Majesty's Government is determined not to yield an inch beyond what is proposed in the White Paper. That being the position we are bound to conclude that the country's verdict as a whole will

undoubtedly go against the proposals in the White Paper. Sir, various responsible sections of political thought in India have already expressed their opinion against the proposals in clear and unmistakable terms and ours will be a feeble one to add to theirs.

Broadly speaking, Sir, this White Paper is from start to finish a mere eye-wash and has been ingeniously designed to perpetuate British domination over the Indian people. Sir, in response to our demands for Dominion Status we have been repeatedly assured by responsible British statesmen from time to time that India will soon become an equal partner with the other members of the British Commonwealth, and in order to realise that vision, proposals for future constitution of India have been put forward in the White Paper, which, when critically examined, will at once disillusion the minds of all people in India.

Sir, here I will merely refer to some of the salient features of the proposals without going into the details which could not be discussed in so short a time at my disposal. Sir, we have been repeatedly told by His Majesty's representatives, both in England and in India that the White Paper will contain proposals for responsible governments at the Centre and in the provinces, but its publication reveals the utter hollowness of the assurance given to us.

Sir, the long promised Dominion Status has gone out of our vision altogether, as there is absolutely no reference in the White Paper to Dominion Status for India. Then there comes the question of responsibility at the Centre and in the provinces. The scheme for federal constitution has been made dependent on three conditions, viz., (1) the consent of the rulers of States representing half the aggregate population of the Indian States to come into the federation; (2) the establishment of a reserve bank; and (3) the presentation of an address by both Houses of Parliament to His Majesty the King with a prayer for its promulgation. These are the conditions, Sir, which may or may not happen as they are the most difficult to fulfil. Even then, Sir, there is no certainty for its inauguration within a reasonable time. Again, Sir, if it at all comes into being, control, direction and superintendence by the Secretary of State and the Governor-General will leave no vestige of responsibility at the Centre. Defence and external affairs will be Reserved subjects in which the legislatures or for the matter of that, their Ministers will have no voice at all. In respect of other matters though there will be a council of Ministers to deal with them in accordance with the wishes of the people, yet under the safeguards proposed the Ministers will be greatly hampered in the proper discharge of their duties, as very often there will arise plenty of occasions when their discussions regarding any matter committed to their charge will be overridden by the Governor-General under the plea of "special responsibilities" to be exercised in case of emergencies. Introduction of a system of dyarchy which has been so much condemned before by all

shades of public opinion in India, will very often lead to conflicts and disagreements between the Governor-General, the Ministers and the legislatures, and as such, there will be constant deadlock in the system of administration. So much for the so-called Central responsibility.

Now, Sir, I come to the provinces. Though the provincial legislatures have been declared to be autonomous with the transference of law and order, still the numerous proposed safeguards which hedge in almost all the proposals as in the case of the Central legislature, will take away much of their autonomous character. Sir, there is no provision, nor even a suggestion in the White Paper that these safeguards are merely temporary or are liable to change after a certain time to come. So far as we can see they are of a permanent nature. Sir, any one reading between the lines of the White Paper will find that these safeguards have been clearly made in the interests of the Britishers and not in the interests of the people for whom the constitution is intended, though it was distinctly laid down in the Gandhi-Irwin settlement that the safeguards in the new constitution were to be such as would be in the interests of India alone. Sir, in many matters advice or an adverse vote in the legislature will be of no avail and the Governor will take independent and direct action under the instruction received by him from the Governor-General. Sir, the same old state of affairs will still continue, nay, it will be much more worse. We have so long heard of the Governor-General's power to promulgate ordinances but it is now proposed to extend this right to the Governor of the so-called autonomous provinces. Sir, this is not all. The Governor will also have power to pass Acts on his own initiative and responsibility. This is no doubt a retrograde policy which, I am sure, will find no support from any section of the political thought in India. Then the creation of a second chamber for Bengal, Bihar and the United Provinces will doubtless hinder and impede the democratic growth of the legislatures where the people's voice is supposed to prevail predominantly. Sir, the less said about this proposed constitution, it is better for all parties concerned.

Sir, this is the picture of the so-called responsible governments at the Centre and in the provinces. This picture, Sir, has lost all its charm for the people for whom it is intended. I am sure the people will have nothing to do with a constitution like this, as it will not satisfy the legitimate aspirations of the Indian people. All these proposals prove conclusively that the constitution sketched in the White Paper will constitute no advance on the existing state of things either in respect of the responsibility of the Ministers or in respect of the powers of the legislatures—both Central and Provincial.

I, therefore, beg to submit, Sir, that all such big talks about the Central responsibility or the provincial autonomy are absolutely a myth. Sir,

the only thing which is clearly manifest on the very face of the White Paper is mere suspicion and distrust of the character and capacity of the people of India by His Majesty's Government.

Sir, the policy of hide and seek will no longer hold good in this country as we have had enough of these games in the past. At the present moment, nothing short of a full and complete Dominion Status will satisfy the people of India. If you are really anxious to satisfy the people, take courage in both hands and give India what she wants to-day. Introduce real responsibility both at the Centre and in the provinces simultaneously and withdraw all such safeguards as are calculated to impede the growth and development of real responsible government in India. It is high time that His Majesty's Government should at once recognise India's right to self-determination; and that the Indians are the only persons who are entitled to prepare a constitution for themselves. Sir, it is no good thrusting on India a constitution like the one as proposed in the White Paper as it is not based on the consent and approval of the real representatives of the people of India. If you don't want to consult them and rather want to have all the credit to yourself for preparing one for her people, you must recast all the proposals of the White Paper and put in their places those which will really satisfy the legitimate aspirations of the people of India. Sir, genuine sympathy for India's hopes and aspirations will surely create an atmosphere of goodwill, contentment and peace in the country. But if you systematically flout the public opinion in India and ask the people to accept a constitution which the people do not like to have at all, I am sure you will be wholly responsible for creating a situation which might be much more worse than what it is to-day.

Sir, I now conclude with the hope that the note of warning I have just struck will not fall on deaf ears.

Maulvi LATAFAT HUSSAIN: (The member read out his speech in a tone which was inaudible at the reporters' table.)

Mr. E. T. McCLUSKIE: Sir, the White Paper does not seem to have found favour with any class or community in this House, but one or two persons have said that it is a good thing. The point is that the British Government seem to have made an honest effort in trying to meet the intelligentsia in their demand for self-government. It is taking a leap in the dark. Whether this system will turn out to be productive of the good that is anticipated it is yet left to be seen. We have heard a lot about safeguards and what they mean. Everybody seems to think that the safeguards that are there are far too many. Well, as Mr. J. L. Bannerjee very rightly said a little while ago, these safeguards have been brought in really because they are necessary. The way the Congress has shown that they want to lead has made every community feel that they want to be safeguarded.

Even the Hindus, Sir, the depressed classes, or as they are called now by the new name of scheduled castes, they want safeguards, they want separate electorate—why, simply because they do not trust their caste Hindus, that is why they want safeguards. Every community wants safeguards. We, as the smallest minority community, want safeguards for everything. If this country which is a sub-continent with 222 languages and 300 religions could all agree on one point, there would not be any necessity for safeguards. We would be able to work together. Have these safeguards been introduced to be used as a sort of brake? I do not think so. They are there for the purpose of trying to see if each community will have confidence in the other. To-day unfortunately one brother does not trust the other; one community does not trust the other. How can a constitution work without some safeguards, a brake of some kind, in order that in course of a few years we shall all want to put away these safeguards. They would not be necessary. Mr. J. L. Bannerjee has drawn a very fine picture of what we would do if we were all agreed and had confidence—one community in another. That is what is wanting in India. The White Paper has been condemned all round, yet there is a good deal to be said about it. The main point is this. Do the masses want self-government? They do not, yet we all want to see India progressing, we want to see India go ahead in self-government, but at the same time we want also to see that we are not going to be squeezed out. Our condition as a community, the smallest one, is very precarious now. All that we have secured for ourselves is protection for our education, that is all we have got and that for the time being. Whereas though we have served the Government, we have not been singled out for any particular kind of protection except for education. We have to take our chance and to trust the major community. We have to trust every one of the other communities and we are ready to join hands so that India may progress, so that India may go ahead. Some one complained a little while ago that these reforms are given very tardily. I say that these reforms are given tardily for this reason: we are like children. You cannot allow a little child to run about without some kind of protection. As the boy grows up he gets further and further power. You cannot allow a boy of 16 years of age to manage the estate of his father all of a sudden; that boy has got to learn how that estate has to be managed. It is in the same way, Sir, the British Government have promised, and they will carry out that promise, but we should be content to go on slowly and learn how to manage our own affairs instead of being in full charge all at once when we are not really capable of managing everything.

Mr. A. R. E. LOCKHART: Mr. President, Sir, I cannot start my speech without referring briefly to the speech made yesterday by Mr. Syamaprosad Mookerjee. One of the most tortuous of the hypotheses

which he produced was the suggestion, which completely amazed me, that it was entirely due to the machinations of the British Government that the States were to be the sole concern of the Viceroy. I feel, Sir, that so base a motive could never have been evolved by the most tortuous mind in the India Office. Further, a good deal of insistence was laid by him on the question of trust. I, Sir, am a comparative new comer to this country—only a few years—but it has always seemed to me that by the Congress trust is viewed as a one-way street. Trust there should be, but everyone should trust the Congress. Other speakers of my group, Sir, have insisted and quite rightly on a proper financial settlement for this province before the introduction of the reforms without which such reforms would be a mockery. Our fear further, Sir, is that even if a good financial settlement is obtained, the value of the reforms may be completely nullified by a refusal to work them. Let me refer to the present Congress policy touched on by Mr. McCluskie. Look at the resolutions which would have been passed if the last session of the Congress had been allowed here in Calcutta; intensification of the civil disobedience movement, including the non-payment of taxes and re-affirmation of their desire to secede from the Empire. Mr. Aney, President of the Congress, was responsible for the amazing and incredible statement that he had better things to do than to read the White Paper. In the face of this policy, can you blame His Majesty's Government and, more, can you blame us the non-official Europeans for our insistence upon full safeguards? I say, Sir, that if this policy is accepted and if the Congress with such a policy remains the only organised political body in the country—a body which, if the Government ban were removed, could and would have a tremendous influence on provincial electorates—if such be the case, we fear that the introduction of the reforms will be nothing more than a waste of money.

These are our fears—now what are our hopes? Our hope lies in the fact that we believe and we believe sincerely that this policy put forward by the Congress does not and cannot commend itself even to all sections of the Congress, let alone to all Hindus. We are further strengthened by the knowledge that this policy is repudiated entirely by the vast majority of the Mussalmans. Nevertheless the fact remains that so far as the Hindus are concerned the Congress is the only organised political party. It is our belief that a very great transfer of power is foreshadowed in the White Paper, but it is likewise certain that the whole success of the scheme must rest and does rest entirely on the assumption that the reforms will be worked in a spirit of co-operation. If this spirit is not forthcoming, failure can be the only result. The only possibility of a really stable government under a democratic system is the party system and this at the moment is absolutely non-existent in this province. Even if that never comes it is possible that government of a kind can be carried on under the

French system—the grouping of small parties round an individual and the formation of a government—by a number of small groups. But this would not give us stable government and for stable government we want to see organised and disciplined parties. We know that many think likewise, and we hope that many more will come to think in the same way as ourselves and that during the intermediate period before the reforms are introduced such people will occupy their time in strengthening their positions and in forming their parties.

I would like to finish up by a short defence of the second chamber which has been subjected to a great deal of attack. If everybody in this province were more or less on the same level of education a unicameral legislature would in our opinion be possible for this province, but it is not so. Our experience both here and elsewhere, more particularly in England, has led us to the certain belief that in a democracy, demagogues and soap-box orators have a very much better chance of being returned by the electorate than the exponents of sanity. More particularly is this danger a real one in India, where a tremendous majority of the electorate will be completely illiterate. Under such conditions those qualified to sit as members of a second chamber, qualified by their stake in the country, though not necessarily stake in the land, qualified by their education, or their past service to the State, those people would almost certainly fail to be returned to the legislature and the value of their services would thus be lost to the province. It is for this reason that we support the institution of second chambers, and in the hope that in such second chambers we shall have that priceless asset, the services of a body of unbiassed men. To put it in a nutshell we look upon an Upper House as the cream off the milk as opposed to the froth off the cauldron.

Mr. H. S. SUHRAWARDY: I am presuming to address a few remarks on the White Paper in the hope that the assurance of the Hon'ble Mr. Prentice that the debate will be forwarded to responsible quarters will be implemented by a perusal of the debate in those quarters. I do not know whether we shall be able to add much to what has been said in other provinces, but because we believe that we are able to say things better than anybody else we hope that our debate will receive the consideration that it deserves.

Before I pass on to certain general aspects I shall confine myself to those that affect Bengal in particular. Mr. Prentice has very dutifully voiced his thanks to the authorities for having given us half of the jute tax. I feel perfectly certain however that this does not find an echo in the bosom of the Finance Member who is sitting next to him and certainly it does not find an echo in this Council. Half of the jute tax will barely wipe off our present deficit, namely, a deficit which has been arrived at under circumstances which have practically paralysed

the administration, and starved all the departments other than that of the Police. It will leave us no surplus whatsoever to carry on what we call the nation-building departments, and after sometime when we shall not be able to show anything for the reforms, this extra money that we are going to get, namely, half of the jute tax, will be spent in further expenditure on extra police in order to keep down the agitation that will then be aroused. It is also suggested that we should be thankful because we are going to get 50 to 75 per cent. of the income-tax. But it appears that it is going to be hedged in with so many restrictions that very likely we shall not get anything at all, because the Governor-General will be empowered in his discretion to suspend these reductions if he thinks that by paying a portion of the income-tax to Bengal it would endanger the financial stability of the Federation. We know perfectly well that the Government of India is run extravagantly but there seems to be no power whatsoever to induce the Government of India to reduce its expenditure, and to reduce the scale of pay of its officers.

The third question that I should like to deal with is the question of an Upper Chamber. Mr. Lockhart seems to forget that the Upper Chamber has been confined only to, or rather has been inflicted only on, Bengal, Bihar and the United Provinces, and it has been so inflicted not because the people in these provinces are more ignorant than the people of those provinces where it has not been imposed, but because they are a little bit more educated than those of the other provinces. So I am very sorry indeed that the British group is taking up this attitude in favour of the second Chamber in Bengal, because it shows that they are unable to trust the majority group of this Council. We Mussalmans are anxious to co-operate with them; we feel that for the sake of stability of administration we ought to combine with them and we welcome their help and their association. But when they speak in such terms that the Lower Chamber is likely to be unsuitable and that a brake on it is necessary and that panicky legislation should be provided against, then it is a clear index, if I may say so, on their part that they do not think that the representatives of the people are or will be likely to govern this province in a proper manner. Moreover, if there is no Upper Chamber, there will be an incentive on the part of all the groups to co-operate with each other in an atmosphere of give and take; if there is an Upper Chamber, there will always be a clash between the various parties, one or other of them looking to the Upper Chamber to reverse the decision of the Lower House. The result will be that there will be dissensions amongst ourselves, and a constant conflict between the two Chambers.

Coming to the general aspect of the White Paper it is perfectly true that the British Government was in a great difficulty; it had to balance the announcements made from time to time to India through rather

generous Governors-General with the conservatism which urged that the reforms should rather be taken away from India. Then there is the suspicion and distrust prevailing between the two major communities in India and a via media had to be found: it had also to consider the interests of the British merchants and the interests of the Services. The reason why we are disappointed with the White Paper is that in trying to adjust these differences it has weighed the balance more in the interests of the British merchants and the Services than in favour of democracy. I am afraid that if I am to voice the feelings of Moslem India I must say that there is an echo from one end of the country to the other that we are grievously disappointed, if not mortified, at the suggestions that have been put forward. It is not because of the safeguards which have been inserted, not because of the powers which have been given to the Governor and the Governor-General. I am not one of those who believe that these safeguards detract unduly from that species of democracy which our mutual suspicion and distrust entitles us to. On the other hand I am afraid those safeguards and powers will defeat themselves in their operation. In a manner they will make the constitution worse than dyarchy. We had in dyarchy responsible Ministers and irresponsible Members of Government. If these irresponsible Members did anything against popular will they were the targets of our opposition, and I feel certain that I have seen signs of pain and anguish on the faces of the Hon'ble Mr. Prentice and the Hon'ble Mr. Woodhead. I have seen them wilt and wince and wither when we have said harsh words about them. But, Sir, who is going to be our target in future? It will be the Governors and there will be nobody here in the future provincial legislatures to support them: they have been given these special responsibilities to administer personally, and it is for them to act, whatever views their Ministers in Council may hold, and if the legislatures and the people do not agree with the manner in which these special responsibilities are being administered, the Governors and the Governor-General in person will be held responsible for them, and a feeling of resentment and hostility will be roused against them personally. Sir, I admit that safeguards are necessary; I also admit that there has been a considerable amount of mutual distrust and that almost every important measure brought before the House bears a communal aspect. For instance Mr. J. L. Bannerjee the other day in a most virulent speech attacked the Hon'ble Minister for Education merely because he thought that the Hon'ble Minister paid more consideration to Mussalmans—an absolutely unwarranted assertion. In the matter of Primary Education this Council was divided into two camps, caste-Hindu and Mussalman, although the measure was meant to benefit all. Similarly in the case of the Bengal Tenancy (Amendment) Act the same thing happened. So in every matter the bogey of communalism raises its head. Hence I fear that if the Governor is saddled with these special responsibilities

we shall have the spectacle of members of this Council and leaders of the people, whenever any important measure comes up before the Council, running to him asking him to exercise his special responsibilities. His life will be made miserable, and we shall all attempt to make him the scape-goat for our indiscretions. Still, I do not believe that much harm will be done, as surely the Governor will not exercise those responsibilities without consulting his Ministers. He is a human being—not a machine, and naturally he will rely on those with whom he will come in contact in other spheres of the administration. We have had experience of the constitution-mindedness of the Governors whether they have been brought out from England or are elevated from here, and we have found in them a real desire, in spite of dyarchy and the two wings of Government being independent of each other, to have a harmonious Government, interdependent and in full agreement with each other. Well, Sir, if that be so, why not insert such a clause in the White Paper? Why not make it clear that the Governor in all matters relating even to the exercise of his special responsibilities shall consult the Ministers? He may disregard their advice but certainly consultation will have considerable effect upon his action, and Ministers and representatives of the people will know precisely where they stand.

Sir, the White Paper has given powers to the Governor to make what are called Governors' Acts. Acts are known to be the special privileges of the legislatures and when the Governor has been empowered to promulgate ordinances there is really no reason why there should be some ordinances which should be glorified by the name of Acts; accordingly in my humble opinion the power to make Acts should be abrogated.

(At this stage the member reached the time-limit but was allowed to proceed.)

So far as the ordinances are concerned there are certain safeguards with regard to them; for instance they must be renewed every six months and at the time of renewal they must go before the Houses of Parliament. For this reason ordinances in my humble opinion are better even than the Acts, which can be passed in the teeth of the legislature, and to its humiliation. But ordinances of all kinds, Governor's or Minister's ordinances, should be subject to revision by the legislature, and I feel perfectly certain that if the Governor before promulgating these ordinances takes the Ministers into his confidence they will be passed by the legislature and thus sanctified by the will of the people.

Now, there is one passage in the White Paper that creates a considerable amount of misgiving in my mind, namely, whether it is really the intention of the British Government to promulgate Provincial Autonomy at an early date. In paragraph 13 they say that

Provincial Autonomy will only be introduced if such conditions are in existence as will make federation a certainty and not a mere contingency in the future. Now, Sir, if the Princes do not come into the Federation, Federation becomes a contingency and not a certainty. It has been suggested that until they come into the Federation there will be further discussion. Thereafter it is stated that it is possible that it may be necessary or it may be convenient to introduce Provincial Autonomy even before the entry of the States; but this would mean that the condition of the entry of the States must be laid down, clarified and stabilized before Provincial Autonomy is introduced. This is extremely vague. If there is any intention on the part of the British Government to delay the introduction of Provincial Autonomy, as might appear from this paragraph, this will create tremendous discontent in the country and it is far better that the White Paper was not introduced at all. Provincial Autonomy must be introduced at once. So far as the transfer of responsibility in the Centre is concerned, it has been conceded that when the States come and join the Federation, responsibility will be given to the Centre. Now, Sir, does it mean that you will not give responsibility in the Centre if there is any difficulty with regard to the entry of the Princes into the Federation? The British Government might consider that the entry of the Princes into the Federation will make it more stable. I even fear that the entry of the Princes may be successful in winning over, if I may euphemistically say so, the members of the British Indian Legislature and make them more subservient to the will of the Princes. If that is so, the introduction of responsibility after the entry of the Princes would mean that responsibility will be exercised actually by the Princes themselves and their nominees rather than by the people. But since the entry of the Princes into the Federation is sure to create increasing difficulties, there is no adequate reason why the British Indians should be deprived of the boon of responsibility merely because the Princes are suspicious of the Federation. The principle of responsibility at the centre being conceded, and the safeguards being adequate, and even ingenious, for which somebody,—we do not know who,—deserves our congratulations, there is no reason why it should not be conferred on us early. We have no desire to jeopardise the entry of the States into the Federation by hasty action, but this must not hold up the reforms.

We regret that the communal decision has not been reconsidered to the extent of giving a majority to the Muslims of Bengal, to which they are undoubtedly and indefeasibly entitled. But I have not the least doubt that when the claims come to be reconsidered, the injustice done to us must be rectified.

I entirely disapprove of the creation of a Statutory Railway Board by the Constitution. If it is considered necessary to have a Railway Board, it must be a Department of the Government of India and created

by it and subject to its supervision. It is said that it should be kept independent as it should be conducted on business principles. I wonder what business principles are referred to. I suppose the Railway Board will be a kind of Managing Agents. Our experience of the latter gentlemen is that they know how to pay themselves, and the shareholders get the leavings. If we are fit to run the Government of India we surely cannot be considered unfit to look after the railways. After all the Government of India must also be run on business principles; and the subservience of the Railway Board to the Government of India will mean that we shall be able to supervise it and control it in case it is run for the benefit of the Managing Agents. I could have no objection if, as an alternative and protective measure, the railways were made one of the special responsibilities of the Governor-General.

One word more. I have much of importance to communicate to the Secretary of State, but the time at my disposal is too short. I will content myself by putting in a plea about Labour. If a Statutory Board is to be created at all which requires the special solicitude of Parliament, it should be a Board of Labour. There does not seem to be any body, a Department of Government, that is concerned in their welfare. The labourer is left to the entire mercy of the employers. If they have to be housed, if they are to live in sanitary surroundings—and what can be insanitary surroundings cannot be conceived until actually seen—, if they are to be provided with water or lights, it is at the will of the employer and Government cannot interfere; if labour is victimised and robbed, then there is nobody to look after it and prevent it. There are bodies—private bodies or semi-public bodies—that employ labour largely, very largely, even more than Government, but in many of them, if not in most, no one can obtain employment unless he bribes the employing department. A man can be dismissed at a moment's notice, at the whim of the employer, or on frivolous pretexts; another man is appointed only after he has opened the door with a golden key. Rules are so framed—often at the instance of the underlings—that the labourer or employee is bled dry; and neither the employers nor the Government are prepared to interfere. Who then must save these helpless people unless it is the Government? Trade Unions, in spite of the Whitley Report, are discouraged; and employers are only too anxious to have nothing to do with them, or their members. When I approach Government, it tells me, we sympathise with you, but what can we do? If the shipping offices will not employ seamen unless their underlings are bribed, what are we to do? But you must do something. You must frame rules of employment which prevent victimisation; you must compel employers to co-operate with Trade Unions, and not to reject the co-operation of Trade Unions with scorn;

you must appoint live Arbitration Boards; in short, you must make the interests of labour your special concern and not cast the poor to the wolves.

I have been for sometime concerned with shipping labour, particularly trade time shipping and it is cruel, appallingly cruel, how these shipping companies, with one or two—only one or two—honourable exceptions, bleed labour. And yet Government will not move in the matter. I am, therefore, opposed to trade-time shipping, as well as inland waterways for mechanically propelled vessels, being federal. It is difficult to get anything done by the Government of India. What with innumerable officers, intermediate and otherwise, what with files and reports, and records, and then passage to and from Calcutta, nothing is done. It takes months before the Port Officer here—the Government of India representative in Calcutta—can get an answer from the Government of India. As long as the Local Government could interfere, things were much better; and there was some hope of getting things done. The Government of India officials seem to have such a wide range of sympathies, that in the result they can do nothing. I, therefore, earnestly call the attention of Parliament to the necessity of having a Statutory Department of Labour with provincial branches, so that the interests of the helpless Indian labour may not be entirely ignored.

Babu KHETTER MOHAN RAY: Mr. President, Sir, in speaking on the White Paper, I feel constrained to say that the constitution adumbrated in the said Paper has not satisfied anybody in the country. Though it represents an earnest attempt to formulate an agreed constitution in the face of the reactionary elements in the British politics, the scheme is skillfully intermingled with traces of suspicion and hesitancy. In the main, it is no doubt an advance upon the existing constitution; but it is marred by so many possible and impossible safeguards that it will not have the effect of pacifying the discontent. To my mind, it seems that the constitution with the safeguards will in its actual working topple down of its own complexities and intricacies.

The proposed reforms in the constitution are based on the communal award—which will divide the legislatures, not according to political parties but according to differences in religion and caste and race. This constitution will have the effect of accentuating and perpetuating the racial and religious differences amongst the people. There are differences amongst the people in all countries and under all climes. But nowhere have such differences been magnified and made the basis of the constitution. Such constitution cannot lead us to democracy which is desired by all classes of people. In a democratic institution, personal and communal interests are subordinated

to the common good of the motherland, but in the proposed scheme, the communal differences are accentuated and made the pivot round which the proposed constitution is intended to work.

From the perusal of the White Paper, it leaves no doubt in our mind that it is uncertain when the Federal Government will materialise, inspite of the assertion of the Secretary of State that they do not intend to leave it to any future contingency. For it depends on three things, viz., execution of Instruments of Accession by the Princes representing half of the population of the Indian States; establishment of a reserve bank; and presentation of an address to the Crown by both Houses of Parliament. Now all these things are future contingencies which may or may not happen. Provincial autonomy without responsibility at the Centre is a sham. The powers proposed to be vested in the Governor-General and the Governors are not the ordinary constitutional powers possessed by His Majesty the King of England and the Dominion Governors-General and Governors but they are of quite a different kind and are intended to be exercised in the ordinary course of things. The veto power in the matter of legislation is practically non-existent in the case of the Dominion Governors. But the White Paper proposes to invest the Governor-General and the Governors with the powers of law-making without any reference to the legislatures. These laws are known to be the Governor-General's Act or Governors' Acts. We search in vain for a parallel to this provision in any other constitutions. In the existing constitution the Governor-General and the Governors have no such powers. It is therefore clear that the proposed reforms will not have the effect of liberalising the constitution, but they will make it autocratic. This constitution, instead of forwarding the cause of the country, will set back progress under the existing constitution in the provinces. At present certain departments including law and order are reserved, and other departments are transferred to the Ministers. In the proposed constitution all departments of the Government are placed under the Ministers. The apparent concession is granted with one hand but it is taken by the other. For the Governor will have a special responsibility not only in respect of law and order, but in respect of other matters also over which the Governor has at present no power. He can undertake legislation solely on his own authority with respect to (*a*) prevention of grave menace to peace and tranquillity, (*b*) safeguarding of interests of Ministers, (*c*) securing to the members of the public services any rights provided in the constitution and their legitimate interests, (*d*) prevention of commercial discrimination and many other subjects. It does not require a keen intelligence to realise what vast power of legislation are proposed to be given to the Governors. Over and above these, the Governor is given powers to promulgate ordinances, which he does not at present possess. The power of promulgating

ordinance is not limited to cases of emergency such as requirements of peace and order but he can issue ordinances in respect of all or any special responsibilities. The communal award which forms the basis of the constitution is predominantly inclined towards one community and is unjust to another. This award is more mischievous than any other provisions in the White Paper. It is unacceptable to the Hindus as it provides a separate electorate, undue weightage for representation to the legislatures of the other communities at the cost of the Hindus. This award has been made worse by the Poona Pact which specially hits hard the Bengalee Hindus. The award will make party Government in this country almost impossible. The Governor will select his Ministers so as to include members of the minority communities. The members of the legislature will be elected on communal tickets by several communities, who will owe allegiance to the communal organisations. A cabinet composed of such Ministers will scarcely have any bond of union. The responsibility of the Ministers to the legislature will only be nominal, for under a cabinet constituted as it is, the Ministers cannot act as a single party. Consequently the Governor in the proposed constitution will have his own way without having recourse to his special powers. Allocation of seats, so far as our province is concerned, will make the Government of the province more backward than the existing Government. For the caste Hindus who have sacrificed and suffered much for the country, and who have made Bengal, nay even India, what she is now, have been left in the lurch, and will have little voice in the future administration. This is an ominous phenomenon which every right-thinking man, be he an Indian or a Britisher, cannot think of with equanimity. Sir Samuel Hoare in his speech moving for appointment of the Joint Select Committee said that the future constitution of the provincial Government in Bengal had been so devised as to exclude the possibility of extremists becoming predominant in the administration of the province. The feeling underlying the utterances of the Secretary of State has wrought mischief and made the proposed constitution of the government of this province most backward of all provinces by practically excluding self-sacrificing spirit and mature political wisdom from the counsels of the Government—qualities which are essential for successful administration of an autonomous institution so far as Bengal is concerned. The only redeeming feature is recognition of the financial stringency of our province and recommendation by the British Government for allocation to Bengal of 50 per cent. of jute duty and a share in the income-tax.

Bengal is not satisfied with this partial recognition of her claim, for Bengal justly claims the entire amount of duty on jute which is her monopoly. This question has been fully dealt with by one of

the speakers. So I need not go into its details. If the proposed constitution is introduced in the government of this country the results will be that there will be more unrest and discontent. There is yet time to undo the mischief and the authorities should in their calmer moments realise the gravity of the situation which may arise if the proposed constitution is brought into operation in our province, and remove the objectionable features from the constitution.

There is another feature which I desire to bring to the notice of the House. The Secretary of State will retain powers as regards recruitment to and control of the public services like the Indian Civil Service and Indian Police Service. This will render the powers of the Ministers both at the Centre and in the provinces for ordinary administration of the Government almost nugatory. These powers of the Secretary of State are incapable of automatic adjustment compatible with an automatic constitutional growth.

Maulvi ABDUS SAMAD: I am not a student of political history nor have I any knowledge about constitutional history, so it would be presumptuous on my part to make an attempt to enter into the merits or demerits of an important document like the White Paper. But I cannot understand what useful purpose will be served by the discussion of the White Paper in this House. Does the Government think that the opinion of this Council reflects the opinion of the politically-minded people of Bengal, and as such likely to influence the Parliamentary Committee which will sit to consider the final stage of the future Government of India? Our past experience shows that that is not so. The opinions of this Council on previous occasions have been treated with contempt. Recently, Sir, in the last session the Council by a majority of votes rejected the proposal for the establishment of a second chamber, but we see that in utter disregard of that opinion a second chamber has been recommended for this province.

Then, Sir, we also know that this Council by a large majority of votes passed a resolution in favour of joint electorate, but that resolution was treated with contempt. So, Sir, the opinion of this House, as at present constituted, carries no weight with Government. The Government is following a peculiar policy. The people who have made sacrifices in the interests of the country and on whose political agitation the Government have agreed to give us responsible government have not been consulted in this matter. They have been gagged and put inside the prison bars and Government is seeking the opinion of those whose opinion does not count at all in the country. I do not blame the Government for this, because it is natural that the Government should try to take every possible step to maintain its authority, but what I would say is that the Government should adopt a sincere policy. If they have no desire to give us reforms they should plainly say so, but

instead of that they are pursuing a peculiar policy. In my opinion honesty is the best policy even in politics. Coming to the proposed reforms I see, Sir, that though the opinion is divided, still the leaders of all schools of political thought have condemned it in no unmeasured terms. Not to speak of the leaders who hold extreme political views, we see even cool and level-headed political leaders like Sir Abdur Rahim, Mr. Srinivas Sastri and Sir Tej Bahadur Sapru think that the reforms are a mere sham, and it is not responsible Government that we will get. One critic, a European, one Miss Wilkinson, has described this White Paper as a palace of pretty words. I think this description is a very appropriate one, because while going through this paper we come across many high sounding words such as Federal Legislature, Upper Chamber, Lower Chamber, etc., but on close scrutiny it will be found that like moving pictures in the cinema these institutions are unreal and unsubstantial. This constitution in my opinion will be autocracy diluted with a small dose of democracy and the machinery to be set up will be liable to break down at any moment, the weakest part being the method of representation which is recommended in the White Paper and which again is based on the communal award. As regards the communal award, on page 18 of the White Paper it is stated thus:—"This award was given by His Majesty's Government in order to remove the obstacle to further progress in the framing of a constitution which was presented by the failure of communities in India themselves to reach agreement on the subject of the method and quota of representation of communities in the Provincial Legislatures." Now, Sir, the blame is laid at the door of the Indian leaders. Never was a statement made in an important document like the White Paper in such utter disregard of real facts and truth. The responsibility for the failure is attributable to the action of the bureaucracy and it is not due to any attitude on the part of the Indian leaders. There was an agreement, after the failure of the first Round Table Conference, and we all know that that agreement was based on the scheme formulated by the all-India Congress Committee and this agreement was accepted by the entire Shiah community whose number is more than two crores, by the All-India Nationalist Moslem Party, the Bengal Provincial Moslem League as well as by the entire Hindu, Sikh, Christian and other minor communities, but this was not recognised by the Government simply because it was not accepted by a section of the Moslem community. A friend behind me whispers that it was not accepted by a large majority of the Moslem community. I deny the truth of this allegation. It reminds me of a story which we all know. Once upon a time a king asked one of his favourite courtiers to count the number of stars in the sky. After a little pause and meditation the courtier said that there were so many crores of stars. Another courtier objected to it and said how could he prove that there were so many stars? The first courtier said that the onus of proof lay on him who disputed his statement. The matter was

referred to the king who said that the onus of proof lay on the disputant. Similarly, here the bureaucracy said that the advocates of separate representation really represented the Moslem community and we are called upon to disprove that they do not. We all know how this was manipulated——

(At this stage the member having reached the time-limit resumed his seat.)

Babu KISHORI MOHAN CHAUDHURI: Sir, I rise to give expression to my views. As however there is no time to speak in detail on the various points of the White Paper I shall confine myself to only some of the salient points. Without any hesitation I may say that it is highly disappointing and it is really a negation of the reforms that had been held out in the statement of the Prime Minister. I do not attach much importance to the views of the European community in this House, because it is for their benefit that the scheme has been specially prepared. As they are interested in it they ask us to accept it. We cannot, however, reject the views of the people at large, not only in this House but outside as well. The scheme has been condemned in no uncertain language in every province as well as in the Legislative Assembly and other public places. Practically the consensus of opinion is that it is not for the benefit of India, it has not been conceived for the good of India, as was the understanding in the Gandhi-Irwin Pact. Sir, I do not understand why it is stated that unless the states join the federation, there cannot be any provincial autonomy or that nothing can be done in the Centre. Of course there are difficulties; the states or at least half their number may not be willing to join the federation and in that case we are told that another consultation will be held and probably another Round Table Conference or something of that sort will be necessary and then it will be settled how the matter will take final shape. If there is that fear now, then, instead of doing something for the autonomy of the whole country you can start with the federation of British India only. Some means can be devised by which at least the federation of British India can be worked, and responsibility can be granted in the centre for that purpose. Of course the idea is that the federation of the whole of India including the states would be a perfection, but if that ideal cannot be worked up to at present there is no need for saying——

Mr. SHANTI SHEKHARESWAR RAY: May I draw your attention, Sir, that there is no quorum in the House?

(The bell rang and a count was taken and it was found that there was a quorum.)

Babu KISHORI MOHAN CHAUDHURI: I see, Sir, that I have no time to deal with all the matters in detail, but on one point I should like to draw the attention of the House, and I should ask the Government to take that thing into its special consideration. The most important thing is that the way in which repression and conciliation are being carried on at present is not reasonable and it will not do us any good. Only because the Congress people are not very friendly towards the Government, that the Government should not take their views into consideration, but only of those who are friendly to them, is not I think the proper way to proceed. There is another thing. Without control over finance no responsible Government can be conceived of nor even be thought of. If any responsibility or any autonomous province is to be created, there ought not to be any interference with the responsible Ministers over Finance and the Executive. The proposals in the White Paper that the Secretary of State will be all in all in the matter of appointment of the Police and the Civil Service will, I am sure, defeat the very object for which responsible Government is going to be inaugurated. If such be the state of affairs, Sir, any conscientious and self-respecting Minister will be loath to accept responsibility for the management of the reins of Government where not even the shadow of responsibility exists. If you want the coming reforms to be in full fruition, then as I have already said we must have control over Finance and the Executive. Sir, our earnest request to His Majesty's Government is "take India as a friend and not deal with her half-heartedly."

(The member having reached the time-limit, resumed his seat.)

Babu SATYA KINKAR SAHANA: Mr. President, Sir, since the publication of the White Paper it has been greeted with a volley of condemnation. All vocal schools of Indian politics, either through the press or from the platform, have condemned it as falling far below the mark of Indian aspirations and expectation. The general opinion is that the constitution shadowed forth in the White Paper has got so many unnecessary brakes that it will be almost impossible to run it. Sir, I represent a rural constituency and am in touch more with the rural than the urban areas. It is my firm conviction that India lives more in the villages than in the towns. The rural people care very little for high politics. The only politics they have or care for is good government, improvement of their economical, educational and hygienic conditions and safety of life and property. As my lot has fallen with the rural people, I too have very little high politics. Sir, some of the best brains of India and Britain discussed the coming constitution for India for three long years. The White Paper is the outcome of all that. As there are widely divergent opinions about the future constitution of India, some denying any advance and others crying for complete independence, it is in the nature of things that the points of agreement are not many.

The White Paper, I consider to be a midway between the two extreme points. From the perusal of its pages I am convinced that an honest and sincere attempt has been made here of fulfilling the professions of the Britishers of leading India progressively on to the domain of representative form of Government. Considering everything I think it to be one of the best schemes that could be made out for the present; it is a continuous steering of the ship between two rocks. The safeguards are so many and so prominent that they cannot fail to attract the eyes. On closer examination I found them to be not so very threatening as they appeared at first sight. Most of them, I believe, are necessary for the present. Power seems to be as strong as the strongest wine. When it is put into a person unaccustomed to it, it generally causes a trembling gait and sometimes even vomitting to the great inconvenience and disgust of others. Sir, my painful experience is that newly bestowed power is more often abused than properly used. Consider the communal mire in which the country is wallowing—each community expressing the darkest suspicion of the other. In view of the standard of fitness that we have attained as shown in our management of public affairs, the safeguards I venture to think are necessary if we do not want the car of administration running into the *khud* and breaking our necks. Sir, as regards financial adjustment it must be admitted that it is much better than the Meston Award for Bengal. That a promise of a moiety of the jute export duty and the bigger slice of the income-tax has been held out to Bengal makes me hope for better times. Though we should be thankful for small mercies, I think this will not prove a healing balm for the deep wounds on the sense of justice of Bengal. Sir, we all know that when the early British traders by a trick of fortune were raised to be the administrators of the country, it was the Musnud of Bengal that they first stepped into. In the few decades after that they were so busy with the extension of British administration over other parts of India with revenue from Bengal, that they had no time to think of the first duty of administrators—improving the condition of the administered. Therefore, an all round deterioration crept into Bengal at that time. Then, Sir, when the time arrived for the improvement of Bengal, the administrators sincerely feeling the necessity for it, the iniquitous Meston Award stood in the way by making the province a bankrupt one. The deterioration of Bengal in health, agriculture, industry, education and other affairs of life is so far gone that mints of money will be required if the administrators sincerely desire it. Sir, the trickling mercy—the সযত্নে ওজন করা বিন্দু বিন্দু কৃপা will no doubt help the running of the administration of the country without borrowing but it will not help an all round improvement of the province. The whole of jute tax and more of the income-tax should be given to Bengal considering the past. As regards the absolute power bestowed on the Secretary of State over the Indian Services, it cannot

but be considered as a backward move and no Indian can help regretting its presence in the White Paper. In spite of all the defects noticeable in the White Paper, I personally think it to be a step forward—though the step is shorter than what it should have been. I hope the Select Committee will bring in some healthy changes by removing some of the prominent defects. Then, Sir, the new constitution will be introduced by a legislation which will not be as immutable as the laws of Providence. It will be man-made and necessarily changeable. I hope as we go on progressing salubrious changes will be introduced from time to time. Considering all these and considering the facts that human existence is nothing but strings of compromises, I personally think that the constitution adumbrated in the White Paper should be welcomed and worked and not kept out by slamming the door. If we do that it will be helping the antagonists of Indian aspirations with a ready weapon to strike us hard.

Dr. AMULYA RATAN GHOSE: Sir, white is emblematic of peace and I had hoped that this White Paper would bring in peace in our country. But instead of that, I am convinced after hearing the discussions and debates within this Council Chamber that this White Paper will not be able to bring in the much desired peace in the country. Sir, our esteemed friend, Babu J. L. Banerjee, has said that the Nehru Report is no more talked of. Nobody cares to speak of the Nehru Report. It was not even touched by a pair of tongs by a certain community and it was not liked by the other people. I ask whether a similar fate does not await the White Paper in the country. Sir, the question regarding the White Paper has been agitating the mind of every political institution in this country and the result that is coming out after their mature deliberation is not at all hopeful. The first and foremost consideration regarding this White Paper was taken up by the biggest organisation of the country. The most organised political party of the country—I mean the Congress—were not allowed to express their opinion about this White Paper. We all know that even the session that was going to be held in Calcutta very shortly was not allowed to be held and no opportunity was given to them to express their opinion regarding the White Paper. As regards the opinion that is expressed by our Moslem friends in this Chamber we have heard enough and we have heard that even they are not satisfied. Mr. Suhrawardy has in no unambiguous terms expressed himself that the White Paper is a grievously disappointing one and they are grievously disappointed, if not mortified. I ask for whose benefit, then, this White Paper is going to be introduced? I know for certain that the Sikhs are not pleased —the Hindus are awfully disgusted with the communal award. We have heard it from several speakers that the White Paper has not done justice—bare justice—to the greatest community of this land, the Hindu community. It was the Hindu community which contributed

largely, with due deference to other communities, who have contributed their mite to the improvement and upliftment of political and other conditions of India. Sir, the Hindu community has been totally neglected and their rightful claims have been ignored in the communal award. With this sense of displeasure and disappointment, I do not know for whose benefit the White Paper is going to be introduced into the country. The Sikhs are equally disappointed as also are the Muhammadans. I think only the European inhabitants of this land or the Anglo-Indians who make the smallest portion of the population of this country may be satisfied. But the political aspirations of the country have not been fulfilled. Sir, regarding other details so far as the White Paper is concerned, we have heard enough of it and I do not want to waste the time of the Council by reiterating them. The only thing that we anticipate is that the coming provincial autonomy is not going to be a full-fledged one. Powers of the Central Government are not going to be as satisfactory as we people of the country thought. Even the liberals who were all along and still are great supporters of Government are not satisfied with the White Paper.

MUNINDRA DEB RAI MAHASAI: Sir, it is not possible for me at the short time at my disposal which has been further reduced to ten minutes, to deal with all the complex problems which have arisen out of the publication of the White Paper. I, therefore, wish to discuss some points which are uppermost in our minds at the present moment. Sir, since the advent of the Simon Commission in this country we were anxiously expecting to hear of epoch-making and far-reaching constitutional changes in the government of this country. We built our hopes on the Premier's declarations and on the assurances given by His Excellency the Viceroy, Lord Irwin. We asked for Dominion Status and it was promised. But when the Round Table Conference first sat in London, the conception of a federation of states and provinces was brought to light for the first time, and the two subsequent Round Table Conferences based their discussions on the federal scheme. It was no doubt a novel experiment for India and some of our leading men accepted the scheme with good grace. The processes involved in the formation of the federation of India have been made so complex that it is difficult to comprehend the time within which it will be possible to fulfil the conditions involved in its formation.

Sir, excepting a few self-satisfied men, the White Paper has failed to satisfy any section of Indian opinion not even the moderate of moderates. Instead of a warm reception it has been the recipient of cold rebuffs from all parts of the country. All shades of public opinion have denounced it in no uncertain terms. The arbitrary communal award of the Premier and his acceptance of the unconstitutional and the

most unfair Poona Pact have made nationalist Bengal cold and indifferent about the impending reforms. A grave injustice has been done to the politically advanced Hindu community of Bengal. They have been relegated to the cold shade of neglect and indifference, I doubt not, with a sinister motive behind it. A representation of 50 only in a House of 250 clearly indicated the way in which the wind blew.

Sir, the proposals for Indian constitutional reforms as outlined in the White Paper do not go far enough to meet our ideals. The labours of the Simon Commission and the three Round Table Conferences held in London have of course not gone in vain. Their reports contain valuable materials worth careful study. The object of these inquiries and discussions was to find out a suitable basis for the conversion of the present system of Government in India into a responsibly governed federation of states and provinces. But the responsible Government so established have to be qualified by limitations commonly called the "safeguards" which are said to have been framed in the common interests of India and Great Britain. Apart from other aspects of the proposals, these safeguards have turned into a veritable bone of contention between the British extremists and the Indian nationalists. The former denounces the safeguards as a mere paper transaction and when put into practice they will be found to be as illusory as the Irish safeguards have been demonstrated to be. The latter on the other hand hold that responsible government cannot thrive under such safeguards and that they are meant to cramp and throttle responsibility. It would be taking away with the left hand what it intends to give with the right.

Certain safeguards were decided upon at the first Round Table Conference, and when Mahatma Gandhi attended the Second Round Table Conference the question of safeguards was discussed. On a reference to particular safeguards the Mahatma is reported to have said "yet, while I say that the safeguards are unsatisfactory, as they have been presented, I have not hesitated to say and I did not hesitate to repeat that the Congress is pledged to giving safeguards and inducing safeguards which may be demonstrated to the interests of India. At one of the sittings of the Federal Structure Committee I had no hesitation in amplifying the admission and said that these safeguards must be also of benefit to Great Britain. I do not want safeguards which are merely beneficial to India and prejudicial to the real interests of Great Britain. The fancied interests of Great Britain will have to be sacrificed. The illegitimate interests of India will have to be sacrificed. The illegitimate interests of Great Britain will also have to be sacrificed." By this statement, the Mahatma affirmed the necessity of safeguards provided they were in the legitimate interests of both India and Great Britain. The legitimate interests of both are the crux of the problem.

Sir, suspicion looms large with the majority of my countrymen about the safeguards. They see in them the iron hand though covered with velvet gloves. Sir Bertrand Russel is one of the greatest thinkers of modern times. His observations on the White Paper deserve due consideration. This is what he says "the White Paper which has been awaited so long will, we feel, bring little cheer to the Indian national movement. The constitution is an elaborate facade, a show of responsible government behind which the dictatorship of the Viceroy, and the iron hand of our officials is as real and solid as ever. We believe the people of India will brush aside the sham constitution."

Sir, there is no indication in the White Paper that Dominion Status would ever be secured to India. The proposals were neither Dominion Status nor home rule. I think it was the very negation of democracy. The White Paper has complicated matters. The complexity of the proposals seemed to be monstrous. There was no limitation to the period of transition. There was absolutely no indication about the Indianisation of the Army within a limited period. I think we shall have to wait till eternity to make ourselves fit for the defence of our country. There is no indication when Finance and Defence will be made over to us. These are the most vital points which required elucidation before we seriously think over the other aspects of the proposals. Are we to remain minors in perpetuity, ever under the tutelage of our masters on vital and important matters? There is a good deal of apprehension in the minds of a majority of my countrymen that the goal which they aspire to attain is receding further and further amidst the complexities devised to baffle it.

Sir, the White Paper reminds us of the story in the Æsop's Fables —the mountain in labour. For the last few years some of my countrymen were in the ecstacy of joy in the hope that something very substantial will be vouchsafed to us. But, Sir, after so much fuss, lo and behold, a contemptible mouse has come out of the mountain. All high hopes have been shattered into pieces. It will help to aggravate feelings of discontent in the country. The proposals are retrograde and confer no substantial power on the people, and the safeguards have been framed not in the interests of India quite contrary to the promise held out by Lord Irwin.

The Council of the Secretary of State for India will be replaced by a small group of advisers, and I think the old fossils of the Indian Civil Service will be his trusted advisers. The autocratic powers conferred on the Governor will nullify autonomous administration of the provinces. The Ministers though made responsible to the legislature will have little control over the "steel frame." The recruitment to the all-India services will continue to remain in the hands of the Secretary of State till 1940 when the question will be considered by a Commission. The recommendations of the Service Sub-Committee of the

first Round Table Conference have thus been ignored. It is now obvious that it will take a long time before the Indian Civil Service and the Police will be under the control of responsible Ministers.

Sir, in the White Paper there is a positive deviation from the terms of the 1929 pronouncement. The expression of dominion status has been carefully avoided in the White Paper. Apparently there is a sinister motive behind it.

However, the only silver lining which is discernible through the perplexities of the White Paper is the decision to assign at least 50 per cent. of the proceeds of the jute duty to Bengal although the whole of the proceeds of the duty should have been allocated to Bengal. I am in full accord with the suggestions made by my friend Mr. S. M. Bose to the effect that the Bengal Government should from now and without waiting for the new constitution take steps to get the tax on jute. Jute tax is now a Central subject under the Devolution Rules. The Governor-General has got the power to frame rules to make it a provincial revenue with the sanction of the Secretary of State. I hope the Government of Bengal will take necessary steps to move the Governor-General in the matter. If they succeed further development of the nation-building departments may be taken up from now.

(At this stage, the member having reached the time-limit, resumed his seat.)

Mr. A. F. M. ABDUR-RAHMAN: Mr. President, Sir, since the release of the White Paper there has been severe criticism in the Central and the provincial legislatures as well as in the press regarding the proposals made for the future constitution of India. Criticism, Sir, is the order of the day and any proposals made for the future India constitution must have its due share of criticism. I may be permitted to point out that we must set aside all criticism when we actually set our hands to work any constitution. In short we must make the best of a bad bargain.

Taking the White Paper as it is, we find that recommendations made therein are not up to our expectations but at the same time it cannot be denied that it is a distinct improvement over the present constitution. In the future constitution the Government will be responsible to the legislature, there will be no distinction between the *reserved* and the transferred departments. At present the Ministers have got an anomalous position but in the future constitution the Ministers will certainly be in a much better position and will be able to do more good to their province if only the right type of men are selected.

Sir, the White Paper is a lengthy document dealing with various matters relating to the future constitution of India. In the short time

at our disposal it is not possible to go into details, but I shall deal with some of the specific proposals made in the White Paper regarding Bengal.

As regards the formation of an upper chamber in Bengal, Sir, the general feeling of the Mussalmans including the members of this House is very much against the creation of such a body. This question was sufficiently discussed at the last November session of the Council and the Mussalman members of this House expressed their emphatic disapproval of the idea of an upper chamber and the proposal was rejected by this House. Sir, in these days when there is an incessant demand for a democratic form of government a proposal for the establishment of an upper chamber is a retrograde move. Not only that, Sir, it will mean unnecessary expense and duplication of work. In spite of our emphatic disapproval if the British Parliament is determined to create an upper chamber in Bengal, great care should be taken that the basis of franchise in the Upper House does not materially vary from that adopted for the Lower House. We all know, Sir, that Bengal is preeminently an agricultural province where the interest of the cultivators really constitutes the interest of the province. So franchise based on high qualifications would as a matter of fact shut out people of moderate means who form the majority of the intelligentsia. The phrase "Higher property qualification" has not been clearly defined but kept rather vague; what other qualifications will be necessary to give the franchise for the Upper House should also be clearly stated. In my opinion, Sir, all the district and local board members past and present, members of the municipalities, past and present, and presidents of the union boards and union committees should be voters for the Upper House and the Bengal Mussalmans must have statutory reserved seat in the whole House in proportion to their total population in the province.

Now, Sir, I shall speak a few words about the future finance of the province. Whatever form of constitution we may have in the future it will be a total failure unless the solvency of the province is maintained; moreover, Sir, it may be pointed out that all democratic forms of Government are very expensive to work. Even in the present constitution our Ministers could have done much had there been sufficient funds at their disposal. By the inequitable financial settlement of the Meston Award Bengal has been practically starving for all these 12 years; during these years she can be said to have existed and not lived. Bengal has been recognised by the rest of India as a province which is proverbially unhealthy and this is Bengal's misfortune. Thousands of our men are dying of malaria, kala-azar, cholera, small-pox and other diseases every year, unnoticed and unaided but this can be remedied if better medical and sanitary provision is made for the province. For all this we need money. It is with the resources of Bengal that the other provinces were organised and developed and Bengal met all that

post for nearly a century but she is unable to bear the burden any more. If the entire proceeds of the export duty on jute and a large portion of the income-tax collected from Bengal is handed over to her we have every reason to hope that her condition will materially improve in future. It has been proposed in the White Paper that Bengal should get at least 50 per cent. of her jute duty as a dole. In this connection the efforts made by both the past Finance Members and the present Member as well as by the delegates of different Round Table Conferences deserve our congratulation. But why should she get only 50 per cent.? She must get the entire export duty on jute because jute is the monopoly product of Bengal and she can rightfully claim the entire amount from the jute duty.

In conclusion, Sir, it is my opinion that inspite of all the safeguards and the prerogative powers of the Governor, the proposed constitution is a distinct improvement over the present constitution and certainly we shall be in a better position to do good to our country if only we have the will to do so.

Mr. P. BANERJI: Sir, many members of this House have termed the White Paper as not white, but I do not understand why it should be otherwise named. I think the term "White Paper" has been rightly named. This White Paper has been sent out by the statesmen of England to this land—a land that has been bled white by exploitation so far; therefore, the paper outlining the future constitution of India has been rightly termed white.

Sir, those members who have spoken in favour of the constitution outlined in the White Paper have unfortunately left the House, and if I speak on the points raised by them, they will not be here to hear me. Some nominated members have suggested that the constitution is acceptable and should be worked. Barring them, all the other members of the various groups—Hindus and Muhammadans, have not supported it wholeheartedly. Mr. J. L. Banerjee, the great orator, when he was speaking, seemed to carry everything with him; but in a calmer moment, when we have the opportunity of analysing his speech, we find that his arguments are not at all convincing. He said that we have got everything, we have got provincial autonomy, we have got the Ministers, and that the only defects in the constitution are the safeguards, and in justifying the safeguards he said that they are of our own creation, and as regards those that are not of our own creation, his remark was that there never was an unmixed blessing anywhere. To some extent, he justified the control over the Army and Foreign Relations, and he suggested that divided as we, the Hindus, the Muhammadans and the depressed class Hindus are, as we distrust one another, these safeguards

have been introduced. We lived in this country for centuries under Muhammadan rule, and peace and goodwill prevailed amongst all the communities. But with the advent of the British rule, fear and distrust of one another have been aroused, and it is in the interest of British rule that the third party that has come into existence in this country must perpetuate this fear and distrust amongst us. Sir, if British statesmanship was well intentioned, if it was an honest endeavour, as Mr. McCluskie has just been saying that it is, which, however, I refuse to believe, on the part of British statesman, things would have been not as they are but otherwise. What is after all the British administration in this country? It is a history of broken pledges. What we find about the English people is that though they may have different views on different matters, they are all united so far as India is concerned, because the English people as a whole are interested in the exploitation of India, because without India it is impossible for the Britishers to live. That is my point. Sir, if there is no other alternative this state of things will continue. Sir, Mr. Lockhart, a Scotch-Irishman, because he is a young man, he did not speak with the restraint of elderly Englishmen who have spoken in this House on the subject but he gave out the whole truth. He said while this is allowed to go on, that is, while the Congress continues to pass such resolutions as civil disobedience, severance of British connection, etc., what will happen? Sir, congressmen may want severance of all connections with England but they are not prepared to go as far as a certain other section of the people desires to go to earn Dominion Status and the freedom of the country, if constitutional means fail to achieve that end. Even in this case I would ask Mr. Lockhart to look at the example of his own country. How could Ireland get *swaraj* to-day, may I inquire? Was it not by means of agitation? I can also tell you, Sir, the same thing will also happen to Scotland and that at no distant date Scotland also will be independent and get out of England. That is the position of England to-day. Sir, much has been talked of the fear of exploitation to-day but who has created that fear? It is the services and other interested bodies. If there has been any bitterness between these two peoples in India it has been created by these interested bodies. But the fear that the Indians will refuse to have anything to do with Englishmen is not well founded. Sir, if I may be allowed to say India is a land of hospitality, we welcome people from different parts of the world; therefore if Englishmen to-day feel the necessity of any safeguards that fear is their own creation. If therefore they change their attitude now towards India and show that they are at least trying to love Indians and behave with them on terms of equality, I think there will be perfect peace and amity in the country, but unfortunately that is not to be. On the one side there are the services which will not try to bring about co-operation in the country and on the other there is this mutual jealousy and distrust. Mr. Lockhart has said that Congress could not put

forward certain resolutions owing to timely precaution; he perhaps got such reports from the *Statesman* but there might have been other reports in other newspapers but they could not be published as the press has been gagged. So the European community hear only one side of the case through the medium of the *Statesman* or through the officials in this Council. But we know that the state of things is different. And if things are allowed to go on in this way and false reports circulated about the Congress I have no hesitation in saying that there will be a great disaster not only for India but also for England.

There is not much time to pay attention to other matters but I will now deal with the federal legislature, which is to consist of two houses, one upper and the other lower. Let us see how these houses are constituted. In the Lower House there are to be 375 members with 125 representatives from the States and the balance of 250 members has been divided among other interests with the result that there is a permanent majority on Government side both in the upper chamber and in the lower chamber. If these two Houses do not agree they will sit together and therefore the permanent majority on the side of Government will nullify everything that the Lower House wants to enact or has enacted. If that is done and if the Viceroy, whom I may designate as the conscience-keeper of the States, as well as the Governor-General and Governors, are given special powers, what will be the result and what will be left to the elected legislatures? The result will be that what you have given by the front door you will be taking away by the back door. In this view of things, what will be the use of the reforms? Mr. J. L. Bannerjee in the course of one of his speeches said that the reforms were a sham and should not be touched with even a pair of tongs. They have been given purposely to frustrate our attainment of freedom on the one hand by taking the whole power of control over the military and, in short, everything and on the other by putting down the legitimate aspirations of the people by attempts made to exploit them for all time to come. But I may tell the Britishers and also the Members of Government here that until and unless they listen to better counsel and try to bring about a feeling of trust and goodwill and co-operation by changing the present atmosphere of suspicion and ill-feeling, which I must repeat is solely their creation and not of the people, things will go ill with India indeed.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, the motion that I had the honour to bring forward has been very successful in attaining the object that was aimed at: for I think I am the fortieth person to speak in this debate, and we have heard opinions expressed from all sides of the House of all degrees of optimism and pessimism. It is not my place to express any views on the White Paper as it stands.

All that I promised to do was to try and correct any obvious misapprehensions that might appear during the debate. I shall, therefore, confine myself to some bald remarks in connection with some of the points connected with the provincial Government which have been mentioned by various speakers.

The first I shall deal with is the special powers of the Governor. One speaker said that he was practically a dictator and there were various allegations that the powers conferred on the Governor were such as to make the legislature and everybody else practically dependent upon his will and obedient to his command. I submit that that is not in accordance with the position of the Governor as set forth in the White Paper. The general principle is constitutional government, where the Governor acts with his Council of Ministers, but the Governor has also certain "special responsibilities" and he has powers in connection with emergency legislation. His special responsibilities are explained in paragraphs 46 to 48 of the introduction to the White Paper; they are identical with those indicated in the case of the Governor-General save that the first item on the list, that is, the one in connection with the safety of the province, will be confined and necessarily be confined in scope to the province or any part thereof and not extend as in the case of the Governor-General to India as a whole. Then there is one important distinction: the special responsibility for financial stability of the province will not be imposed on the Governor. But he has another special responsibility which does not lie with the Governor-General, namely, responsibility for the execution of the orders passed by the Governor-General. He has also a special responsibility in connection with the administration of certain excluded areas but these areas fall into two categories, one of which would be placed under the exclusive control of the Governor, while the other is made subject to Ministerial control but with an overriding power in the Governor obtained in the manner explained in the earlier paragraphs of the introduction through his "special responsibility." These are the special responsibilities of the Governor, otherwise he is a constitutional ruler, working with his Council of Ministers. Then for the purpose of the special responsibilities he has certain powers of emergency legislation and these are explained in paragraphs 92, 103 and 104 of the proposals.

I think it was Mr. Suhrawardy who argued that there was a great omission in the White Paper inasmuch as it was not incumbent on the Governor in connection with his special responsibilities to consult his Ministers. I think he must have forgotten the provisions in paragraphs 71-73 of the proposals. For paragraph 71 says "If in any case in which, in the opinion of the Governor, a special responsibility is imposed upon him, it appears to him, after considering such advice as has been given to him by his Ministers" and in paragraph 73 which

states some of the things that may appear in the Governor's Instrument of Instructions—in the second paragraph—there is a reference to the same thing. "It is Our will and pleasure that you should in the exercise of the powers by law conferred upon you be guided by the advice of your Ministers, unless so to be guided would, in your judgment, be inconsistent with the fulfilment of your special responsibility for any of the matters in respect of which a special responsibility is by law committed to you; in which case it is Our will and pleasure that you should, notwithstanding your Ministers' advice, act in exercise of the powers by law conferred upon you, etc., etc." So that in the matter of special responsibility it is specifically provided that the Governor shall consider the advice of his Ministers before he decides to act.

When he does come to act he has certain powers of legislation which, as I have said, are referred to in paragraphs 92, 103 and 104 of the proposals. Paragraph 92 refers to what is called a Governor's Act and paragraphs 103-104 refer to the ordinances. Paragraph 104 deals with what might be called constitutional ordinances because those are ordinances issued by the Governor in agreement with his Ministers at any time when the legislature is not in session. These emergency ordinances have got to be laid before the legislature as soon as it sits. In the other two cases, the ordinances and the Governor's Acts, the Governor is acting on his own to meet the requirements of his "special responsibilities."

Sir, complaint was made that this power of ordinance has been conferred on the Governor; but if you read paragraph 11 of the Introduction and paragraph 48 you will realise why this is necessary. Paragraph 48 says: "The division of legislative powers between Centre and provinces would no longer make appropriate the concentration in the hands of the Governor-General of the power to legislate in emergency by ordinance on provincial matters and this power will now be conferred on Governors also." Paragraph 11 explains the change that it is proposed to bring about in respect of British India and the relevant part is this: "It is accordingly proposed to declare that the executive power and authority in each of the Governors' provinces is vested in the King and is exercisable by the Governor as the King's representative; to constitute a Council of Ministers to aid and advise the Governor, and a legislature of elected representatives of the provincial populations to whom the Ministers will be responsible; and to define the competence of this legislature and of the federal legislature in terms of subjects, some of which will be exclusively assigned to the federal and provincial legislatures, respectively, while over others both federal and provincial legislature will exercise a concurrent jurisdiction, with appropriate provisions for resolving conflicts of laws."

Obviously, under the scheme proposed it would not be possible t leave the power of ordinances solely in the hands of the Governor-General. It must be in the hands of the Governor in respect of those matters which are exclusively subject to provincial legislation.

Another matter on which I would like to make a few remarks i the constitution of the Upper Chamber in Bengal. First of all Mr. Syamaprosad Mookerjee pointed out that there was a mistake on page 78 of the White Paper inasmuch as it was stated that the size of the Upper Chamber of Bengal would be 65, while the detailed figures add up to 67—I gather he has not been able to find out any other mistake and the correction of this one is perfectly simple; instead of 12 shown on page 78 as directly elected from the general constituencies in which all qualified voters other than Moslems and Europeans will be entitled to vote, the figure should be 10.

Next, I think it was Mr. Wordsworth who pointed out that under this scheme at page 78 there would only be one European representative in the Upper Chamber. I think he has forgotten that 27 are to be elected by the method of single transferable vote by the members of the Bengal Legislative Assembly. In the Bengal Legislative Assembly 25 of the members will belong to the European block and if the method of single transferable vote is used they can secure the return of two more members to the Upper Chamber, and if they combine with one of the other minor blocks they will be able to secure a third seat. So, under the proposals as they stand the Europeans can have at least three members in the Upper Chamber if they so desire.

The same remarks apply to the complaint made on behalf of the scheduled castes that there was no provision for their representation in the Upper Chamber. In the same way they will have 30 members in the Lower Chamber and they can secure at least two representatives in the Upper Chamber to the votes of those 30 members. There will also be one or two constituencies I imagine, though of this I am not sure, where they will have a very fair chance to get representation through direct election.

And in connection with the Upper Chamber I would like to mention one other point. I do not know if this is realised; but this Upper Chamber does give an opportunity to the people of Bengal, supposing communal feeling passes away and a national feeling, or party feeling comes in, to substitute nationalism and party principle for communalism. For these 27 seats can be filled by single transferable vote by the members of the Bengal Legislative Assembly in any way the members like. Consequently it is in the Upper Chamber that I look forward to the development of national feeling as opposed to communal feeling. I know I am not supposed to express an opinion but in this matter I am only pointing out facts and figures.

I shall now refer to one minor matter. There was a complaint that there was no provision for representation in the Council of State of the scheduled castes. If they will look at page 74 of the White Paper they will see that a certain number of seats are to be filled by the method of single transferable vote by the members of the provincial legislature and their numbers in that legislature will be such that they can, if they like, secure election of their representatives to the Council of State.

Other minor points have been raised as regards the local legislature by Mr. Poddar and Mr. Razaur Rahman Khan, namely, that in the proposals set forth in the White Paper there is no provision for the representation of the Moslem Chamber of Commerce and that the position of the Mahajan Sabha was doubtful. If these gentlemen will refer to paragraph 7 of the Introduction to appendices IV and V and to the note at the foot of page 85 they will see that the proposals are provisional: "the qualifications should be regarded as provisional pending the closer investigation of the existing electorates for these seats which is contemplated at the stage of the general delimitation of constituencies." The White Paper therefore does not set forth the final decision on the matter of representation of these commercial bodies in the Bengal Legislative Assembly.

Another matter to which I should like to refer is the rather surprising statement made by Mr. N. K. Basu to-day that the proposals in the White Paper regarding the High Court implied that all judges could belong to the Indian Civil Service including the Chief Justice. I am afraid he made a speech without studying his brief, because he will find that in paragraph 170 of the White Paper it is expressly stated that "the qualifications for appointment as a Chief Justice or Judge will remain as at present." The only thing that has been altered is the provision which requires that one-third of the Judges of a court must be barristers or members of the Faculty of Advocates in Scotland and that one-third must be members of the Indian Civil Service. In other words, only part of sub-section (4) of section 101 of the present Government of India Act goes out, and the other provisions still remain, including (*c*) and (*d*): (*c*) referring to people who hold certain judicial offices and (*d*) referring to persons who are pleaders of certain High Courts. I do not think, therefore, there is any justification for the apprehension expressed by Mr. N. K. Basu.

The last matter I would refer to is the question of the Services. All that I want to point out in that connection is this: that at the Round Table Conference the unanimous recommendation of the sub-committee on Services as regards existing members of the Services was as follows: "Inasmuch as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to the members of the Services, due provision

should be made in the new constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new constitution comes into force. When the new constitution is drawn up suitable safeguards for the payment of pensions, etc., should be provided." I submit that the provisions as regards the existing members of the service simply follow that extract from the Round Table Conference sub-committee's report. As regards the future there is to be on the expiration of five years from the commencement of the new Constitution Act a Statutory Inquiry into the question of future recruitment of the Indian Civil Service and the Indian Police Service. Therefore, the only thing about which there is a real dispute is about the position of the people who are to be recruited in the five years between the introduction of the new constitution and the appointment of this Statutory Commission.

Those are the points that I have noted as important enough to be dealt with; and as the time is up I would only ask the Council to pass the motion that I had the honour to move.

The motion was put and agreed to.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor to declare that the Bengal Legislative Council stand prorogued.

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